TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, [redacted] 1921

No. [redacted]105

FRED LEACH, DOING BUSINESS AS ORGANO PRODUCT COMPANY, APPELLANT,

vs.

WILLIAM B. CARLILE, POSTMASTER.

APPEAL FROM THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

FILED JULY 14, 1920.

(27,805)

(27,805)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1920.

No. 448.

FRED LEACH, DOING BUSINESS AS ORGANO PRODUCT COMPANY, APPELLANT,

vs.

WILLIAM B. CARLILE, POSTMASTER.

APPEAL FROM THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

INDEX.

	Page.
Transcript of record from the district court of the United States for the northern district of Illinois	1
Placita	1
Bill of complaint	2
Exhibit A—Pamphlet, "Are You 100 Per Cent Efficient?"	12
B—Circular letter from Organo Product Co	13
C—Copy of testimonials	15
D—Mail order blank	17
E—Letter, April 16, 1919, W. H. Lamar to Organo Product Co	19
F—Memorandum of Post Office Department, dated April 16, 1919, recommending issuance of a citation, etc	20
G—Answer of Fred Leach to citation of Post Office Department	21
H—Affidavit of James L. Church, M. D	29
I —Affidavit of James L. Church, M. D	29

JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., JANUARY 21, 1921.

Page.

J—Affidavit of Fred Leach, with attached copies, except signatures, of the original letters received by the Packers Product Co. from customers who purchased Orchis extract from said company 30

K—Transcript of evidence and proceedings heard and conducted before the acting solicitor of the Post Office Department, J. J. Sutherland, in the matter of the citation to Organo Product Co.. 50

Government Exhibit No. 1—Citation (omitting the caption) issued to Fred Leach..... 51

Government Exhibit No. 12—Memorandum of facts in the Packers Product Co. case under date of March 28, 1918.. 54

Government Exhibit 13—Fraud order issued in Packers Product Co. case under date of April 4, 1908..... 61

Government Exhibit 15A—Letter, April 1, 1919, signed by Walter Schwabe and addressed to "Post Office Department, United States of America, Washington, D. C."..... 62

Respondent's Exhibit No. 2—Affidavit of James L. Church, M. D..... 63

Respondent's Exhibit No. 3—Affidavit of James L. Church, M. D..... 63

Respondent's Exhibit No. 4—Affidavit of Fred Leach (omitting attached copies of letters)..... 65

Evidence on behalf of the Government..... 66

Testimony of Dr. L. F. Kebler..... 66

Dr. Gleason C. Lake..... 107

Dr. Roy Graham Hoskins..... 148

Dr. Frank Abbott..... 174

Respondent's Exhibit No. 5—Excerpts from catalogue of Burroughs, Welcome & Co., 1910, London, England..... 183

Respondent's Exhibit No. 6—Advertisement of Parke, Davis & Co. with reference to "Glandular Products".... 185

Respondent's Exhibit No. 7—Excerpts from the Bulletin-Journal of Animal Therapy of November, 1915..... 185

Respondent's Exhibit No. 8—Excerpt from magazine entitled "The Metabolist," January, 1916..... 188

Respondent's Exhibit No. 10—Excerpts from the book entitled "Old Age Deferred," by Arnold Lorand, M. D., of Carlsbad, Austria..... 189

Respondent's Exhibit No. 11—Excerpts from the book called "Organotherapy," by H. Batty Shaw, M. D., F. R. C. P... 200

Respondent's Exhibit No. 12—Excerpts from the book entitled "The Organs of Internal Secretion, Their Diseases and Therapeutic Application, a Book for General Practitioners," by Ivo Geikie Cobb, M. D., M. R. C. S..... 206

Respondent's Exhibit No. 13—Excerpts from the book entitled "The Internal Secretions in Practical Medicine," by Henry H. Harrower, M. D., 1917..... 216

Exhibit M—Extracts from Bulletin-Journal of Animal Therapy, November, 1915..... 223

Page.

Exhibit N—Deposition of Dr. Edward H. Reede..... 241
O—Booklet or pamphlet entitled "The Rising Curtain". 250
P—Form or circular letter from Packers Product Co... 251
Q—Mail order blank of Packers Product Co..... 253
R—Testimonials 255
Answer to bill of complaint..... 257
Exhibit "B"—Deposition of Dr. Edward H. Reede..... 263
"B"—Letter, May 19, 1917, W. G. Campbell, assistant chief, Department of Agriculture, Bureau of Chemistry, to chief inspector, Post Office Department 271
"C"—Note on orchitic substances..... 274
"D"—Letter, June 3, 1914, W. A. Puckner to Armour & Co..... 279
"E"—Letter, May 21, 1914, F. M. Bell to A. B. Stratton. 280
Motion of complainant for restraining order, etc..... 281
Order and decree of October 23, 1919..... 282
Petition for appeal..... 283
Assignment of errors..... 284
Bond on appeal..... 285
Stipulation as to preparing transcript of record..... 286
Certificate of clerk..... 287
Stipulation as to printing transcript of record..... 288
Clerk's certificate..... 289
Appearance for appellant..... 289
Memorandum as to stipulation as to printing record..... 290
Notice of motion to vacate..... 290
Order denying motion to vacate..... 291
Order setting case for hearing..... 292
Order of argument and submission..... 292
Opinion, Alschuler, J..... 294
Decree 300
Notice of appeal..... 300
Petition for appeal..... 301
Assignment of errors..... 301
Order allowing appeal..... 302
Bond on appeal..... 303
Clerk's certificate..... 304
Citation and service..... 304

3 Pleas in the District Court of the United States for the Northern District of Illinois, Eastern Division, begun and held at the United States Court Room, in the City of Chicago, in said District and Division, before the Honorable Kenesaw M. Landis, District Judge of the United States for the Northern District of Illinois, on the 23rd day of October, in the year of our Lord one thousand nine hundred and nineteen, being one of the days of the regular October, Term of said Court, begun Monday, the sixth day of October, and of our Independence the 144th year.

Present:

Honorable Kenesaw M. Landis, District Judge.

John J. Bradley, U. S. Marshal.

John H. R. Jamar, Clerk.

4 IN THE DISTRICT COURT OF THE UNITED STATES

Northern District of Illinois

Eastern Division

Fred Leach, doing business as Organo Product Company,
Complainant,
vs.
William B. Carlile, Postmaster,
Defendant } No. 1278

Be it remembered that heretofore, to-wit: on the 20th day of August, 1919, came the above named complainant, by his solicitors, and filed his bill of complaint, as follows:

5 1278

UNITED STATES DISTRICT COURT

Fred Leach doing business as Organo Product Company
vs
Wm B Carlile Postmaster } Bill 1278

MATHIAS & SULLIVAN
Solicitors for Complainant

(Endorsed) Filed Aug 20 1919 at ..... oclock .....M John H R Lamar Clerk

6 United States of America
Northern District of Illinois } ss.
Eastern Division

IN THE UNITED STATES DISTRICT COURT

For the Northern District of Illinois

Eastern Division

Fred Leach, Doing business as Organo Product Company.
vs
William B. Carlile, Post-master } Bill of Complaint

To the Honorable, the Judges of the United States District Court, for the Northern District of Illinois.

Your orator, Fred Leach, doing business under the name

and style of Organo Product Company, respectfully represents unto your honors that he is a citizen of the State of Illinois, and resides in the City of Chicago, Illinois; that the defendant William B. Carlile, is a citizen of the State of Illinois and a resident of the City of Chicago, Illinois and is and has been at the times hereinafter mentioned the duly appointed and qualified post-master of the City of Chicago, Illinois, in charge of the United States post office in said city; that as such post-master he has exclusive management of the post office in said city and of the receipt and disbursement of mail received at said city, through the United States mails.

Second, your orator further represents, that the matters in controversy in this proceeding exceed exclusive of interest and cost, the sum or value of $3,000.00 and arise under the constitution or laws of the United States, and that the matters and things involved in this proceeding arise
7 under the postal laws of the United States.

Third. Your orator further represents that on the 16th day of April, 1919, your orator was engaged in business under the name and style of Organo Product Company in the City of Chicago, Illinois; that the business in which he was then and is now engaged is that of selling a substance known as Organo Tablets; that said Organo Tablets are compounded from orchitic substance dessicated as its principal ingredient, held together by sugar of milk, as a binder; that the said Organo Tablets are a remedy useful, beneficial and effective for the treatment of nervous weakness, general debility, sexual decline, or weakened manhood, and for persons suffering from nervous disorders; that it is prepared principally from the testicles of animals and in common parlance is known as "testicular extract," but among the pharmaceutical manufacturers of the world it is known under divers scientific names, namely, in England as Didymin, in Germany as Testikulin, in Switzerland as Sequarine, in Russia as Spermin, in Italy as Orchipina, in France, as Orchitine, and in the United States as Orchic substance, and also by other names; that the firm of Burrows Wellcome & Company, the leading pharmaceutical manufacturers of England, in their catalogue and other publications advertise it as "Didymin (Testicular substance)," and publish concerning it the following, "This substance has been used in premature senility, neurasthenia, locomotor ataxia and sterility"; that Parke Davis and Company, leading parmaceutical manu-

facturers of Detroit, Michigan, in their catalogue and other advertisements of their products, describe it as "Orchic Substance, desiccated," and in such publications say with reference thereto, "Indications: neurasthenia, diabetes, hypertrophic prostatitis, impotence, hysteria, hystero-epilepsy, and as a aphrodisiac. Beneficial effects have been observed in
8 eczema, psoriasis and obesity. Dose, one to five grains is the usual initial dose, to be increased pro re nata"; that said substance is manufactured by Armour & Company and other large packers and by numerous pharmaceutical manufacturers in the United States and in other countries, and is carried by druggists for use in filling prescriptions and is indicated in leading works on materia medica as a medicine to be used with reference to the aforesaid ailments; that the said substance has for many years been known as a useful, beneficial and effective remedy in the treatment of the aforesaid physical disorders; that your orator has built up a large and extensive business in the selling of said substance for the treatment of said physical disorders and has received in connection therewith through the United States, mail, by letters, registered packages and otherwise, large sums of the nature of checks, drafts and United States money-orders and money; that said business has grown to such an extent that immediately, and for a long time prior to the grievances hereinafter complained of, the receipts of your orator through the United States mail in the manner aforesaid from the sale of said substance to persons throughout the United States and foreign countries have reached an average of more than five thousand ($5,000.00) Dollars per year; that said business is a legal and legitimate business conducted according to business and legal methods and opinion and is founded largely and almost exclusively upon the proposition that the said Orchic substance is a useful, beneficial and successful remedy in treating, curing, benefiting and remedying persons suffering from said physical disorders; that hundreds of persons who have purchased said substance from your orator have been greatly benefited or cured of such physical disorders by the use thereof; that in connection with said business, your orator has published to and circulated with, divers and numerous persons, making inquiries with ref-
erence to said remedy, four certain advertisements, to-
9 wit; a printed pamphlet, a copy of which is hereto attached and marked exhibit A and made a part hereof,

and a draft of letter a copy of which is attached hereto, marked exhibit B and made a part hereof, a printed copy of testimonial, a copy of which is attached hereto, marked exhibit C and made a part hereof, and an order blank, a copy of which is attached hereto, as exhibit D and made a part hereof; that the matters and things stated and set forth in said exhibits A. B. and C. are true; that your orator has not made any representations respecting said organo tablets except such as are set forth in said exhibits A. B and C.; that for a long time prior to the grievances hereinafter mentioned, your orator has been sending out a large amount of such advertising matter through the United States Post-office in said City of Chicago, and that practically all of his receipts by checks, drafts, money-orders or money have been received and delivered through the United States Post-Office at the said City of Chicago, of which the said defendant herein has had exclusive charge as post-master aforesaid and your orator had during the times aforesaid been receiving a large number of letters, addressed to your orator under the name and style of Organo Products Company, regarding said treatment and business letter pertaining thereto, and inquiries in respect thereto; that ever since the happening of the grievances hereinafter mentioned there has been accumulating in said post-office, letters belonging to your orator, addressed in the manner above stated; that all of said letters as your orator is informed and believes, were and are, duly stamped and ready to be delivered to your orator, but for the action of the post-master and postal department hereinafter mentioned; that your orator has received letters from hundreds of persons who use said remedy for the physical orders aforesaid, expressing their satisfaction as to the efficiency of said remedy and stating that they have been much improved and benefited in health, or cured of such disorders respectively.

Fourth. Your orator further represents that in the month of April, 1919, he received a letter dated April 16th, 1919, addressed to the Organo Product Company, signed by W. H. Lamar, solicitor of the Post-Office department, a copy of which is attached hereto, marked Exhibit E, and made a part hereof; that enclosed with said letter, was a copy of a memorandum, dated April 16, 1919, recommending the issuance of a citation to your orator, to show cause why a fraud order should not issue, a copy of which memorandum is here-

to attached marked Exhibit F and made a part hereof; that there was also enclosed in the said letter, a printed copy of the United States Statutes, having reference to the transmission through the mails of matter relating to lotteries, schemes to defraud and schemes or devices for obtaining money or property by means of false and fraudulent pretenses, representations or promises; that in response to said communication, your orator caused to be addressed, and delivered to the honorable solicitor of the Post-Office Department, at Washington, D. C. an answering in writing a copy of which is attached hereto, marked Exhibit G, and made a part hereof, and in support of said answer, filed with the said Honorable Solicitor of the Post-Office Department, two affidavits of James L. Church, M. D. and one affidavit of your orator, copies of which affidavits are attached hereto, marked respectively, Exhibits H, I and J, and made a part hereof; that the matters and things set forth in the said answer and in the said affidavits, are true; that the said citation after several adjournments came on for hearing before the Honorable J. J. Sutherland, acting Solicitor of the Post-Office Department, on the 20th day of May, 1919, and proceeded from the day thereafter until the closing of said hearing on or about the 22nd day of May, 1919; that a transcript of the evidence and proceedings heard and conducted at said hearing are hereto attached, marked Exhibit K, and made a
11 part hereof; that the hearing of arguments upon said citation was set for June 24th 1919, and that on said date arguments were presented thereon, which arguments were afterwards reduced to writing and filed with the Honorable Solicitor of the Post-Office Department, a copy of which arguments are attached hereto, marked Exhibit L, and made a part hereof; that the extracts from the Bulletin Journal of Animal Therapy of November 1915, referred to in said transcript of the evidence and proceedings of said hearing, are attached hereto, marked Exhibit M, and made a part hereof; that a copy of the deposition of Dr. Edward H. Reede, referred to in said transcript is also attached hereto, marked Exhibit N, and made a part hereof; that a copy of Government Exhibit No. 3, entitled "The Rising Curtain" referred to on page four of said transcript, is attached hereto, marked Exhibit O, and made a part hereof; that a copy of Government Exhibit No. 5, referred to on page four of said transcript, the same being a form letter, is attached hereto, marked

Exhibit P, and made a part hereof; that a copy of Government Exhibit No. 6, and No. 7, the same being respectively, the order blank and certain testimonials are attached hereto, marked respectively Exhibits Q and R, and made a part hereof; that Exhibit 10, referred to on page five of said transcript was a copy of the answer of William B. Carlile, in a suit in equity brought on behalf of your orator, doing business as the Packers Product Company, in the United States District Court for the Northern District of Illinois, Eastern Division, in cause No. 1050, in which the said William B. Carlile, postmaster aforesaid was the only defendant, to which answer complainant begs leave to refer; that the foregoing exhibits together with any memorandum prepared by the Solicitor of the Post-Office Department, based upon said exhibits, and relating to said exhibits, contained all the evidence and matters and things presented to and considered by the postmaster general, with respect to the hearing upon said citation,

12 to show cause why a fraud order should not be issued as aforesaid, but notwithstanding the fact that there was no evidence to show that your orators had violated any of the terms, provisions or conditions, of the United States Statutes, or that your orator was guilty of the charges preferred against him in said memorandum, and notwithstanding the fact, that the charges contained in said memorandum were shown by the evidence to be untrue, and notwithstanding the fact that there was no evidence presented to the Post-Master General tending to prove that the said charges contained in said memorandum were true, the Post-Master General under date of August 15th, 1919, arbitrarily signed, addressed and caused to be delivered, to the said defendant, as post-master, at Chicago, Illinois, a communication, forbidding the said defendant to pay any postal money-order, drawn to the order of the Organo Product Company, and directing the said defendant to inform the remitter that the payment of any such postal money-order had been forbidden and that the amount thereof will be returned upon the presentation of the original order or duplicate thereof applied for and obtained under the regulations of the department and directing the said defendant to return all letters whether registered or not, and other mail matter, which shall arrive at his post-office directed to the Organo Product Company, to the Post-Masters at the offices at which they were originally mailed to be delivered to the sender thereof, with the

words, "Fraudulent, mail to this address, returned by order of Post-Master General", plainly written or stamped upon the outside of such letters or matters, and directing the said defendant that where there is nothing to indicate who are the senders of letters not registered, or other matters, to send such letters and matter to the Division of Dead letters with the words, "Fraudulent, mail to this address returned by order of the Post-Master General", plainly written or stamped thereon to be disposed of as other dead matter under the laws and regulatilns applicable thereto; that
13 the said order was delivered to the said postmaster in due course of mail, on or about, the 18th day of August, 1919, that since the receipt of such order, the said defendant has refused and still refuses to deliver any mail addressed to your orator under the name and style of Organo Product Company, and has refused to pay any postal money-orders drawn to the order of your orator as said Organo Product Company and has informed the remitter of such postal money-orders that payment thereon has been forbidden and that the amount thereof will be returned upon the presentation of the original order or duplicate thereof, applied for and obtained under the regulations of the Department, and has returned all letters, whether registered or not and other mail matter, which has arrived at such postoffice in Chicago, directed to your orator, as aforesaid, to the Postmaster at the Post-Office at which such letters were originally mailed, to be by him delivered to the original sender thereof, with the words "Fraudulent, mailed to this address returned by order of the Postmaster General", plainly written or stamped upon the outside of such letters or matter, and where there is nothing to indicate who are the senders of such letters not registered, or other matter, the sen defendant has caused such letters to be sent to the Division of Dead letters, with the word "Fraudulent, mail to this address returned by order of the Postmaster General" plainly written or stamped thereon to be disposed of as provided in said order, and threatens to so treat all letters and other mail matter so addressed hereafter received at said postoffice; that the checks, drafts, money-orders and money, contained in such letters and other mail matter, amount to a large sum and come from various customers of your orators throughout the United States and foreign countries, all of whom were willing, and at all times had been, and are willing that there letters containing such remit-

tances, should be turned over to your orator, they making no objection or complaint thereto; your orator further al-
14 leges that he is informed and believes and so states the fact to be, that the said defendant as such Postmaster, intends to stamp on each and every one of the letters, addressed to your orator as aforesaid, without opening them, and without knowing the contents of such letters, or the nature or character of the contents thereof, the words, "Fraudulent, mail to this address returned by order of the Postmaster General," across the face of such letters and return the same to the senders thereof, or to the dead letter office as provided in said order, and that the said defendant unless prevented by the order of this Honorable Court will so return the said letters so stamped as aforesaid; your orator further alleges that the said defendant has refused and still refuses to deliver any further mail or letters that might be received at said postoffice addressed to your orator as aforesaid; your orator further alleges that if said defendant is permitted to carry out the terms and provisions of said order and return the said letters and refuses in the future to deliver and allow your orator to receive any letters or matters, through the postoffice in Chicago, addressed to him as aforesaid it will work irreputable injury loss and damage to the complainant and result eventually in impairing, crippling, breaking up, disrupting and destroying your orators' said business; that your orator has no other legal and adequate remedy by which he can prevent the continuing of said acts and grievance complained of other than by writ of injunction; your orator further alleges that the action of the said defendant, in the holding and refusing to deliver said mail matter, and in returning the same as aforesaid, is based upon the said order of said Postmaster General above set forth, who assumed to act under Sections 3920 and 4041, of the Revised Statutes of the United States, that the said order of the said Postmaster General is not based upon any evidence tending to prove the charges preferred in said memorandum, but is based
15 solely upon the opinion of the said Postmaster General, that the said Organo Tablet did not bring about the results, set forth in the aforesaid Exhibits A, B and C, which said opinion is not supported by scientific authority but on the other hand is erroneous; your orator further alleges, that the said order of the said Postmaster General, is merely a matter of opinion, on the part of said Postmaster General.

Fifth: Your orator further alleges, that he has not been engaged in conducting a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises as set forth in said memorandum, that he never represented that lost manhood could be restored irrespective of the cause of the disability or the condition of the patient, as set forth in said memorandum, and that there was no evidence whatever, presented to or considered by the postmaster General, prior to issuing the aforesaid fraud order, tending to show that your orator had made such representations, that the only representation made by your orator with respect to said Organo Tablets were those contained in the aforesaid exhibits A. B. and C, that the said representations are true in substance and in fact; that the said business of your orator, has been conducted truthfully in the honest believe that the said Organo Tablets are a valuable and successful treatment for said physical disorders and without any intentions to cheat, wrong or defraud any person or persons whatsoever; that your orator has received hundred of letters from person who have used said treatment, setting forth and confirming the opinion of your orator that the said Organo Tablets, are a valuable, and successful treatment for the aforesaid purposes; your orator further alleges that the said statutes have no application whatever to the conduct or carrying on of complainants business and that no fraud, deceit, deception or misrepresentation of any kind has ever been practiced by him, and that his customers do not claim or assert that he has in any manner practiced any fraud or deceit, deception or misrepresentation at any time, in procuring business from them or in curing their ills or diseases. Your orator further alleges that the said order of the said Postmaster General, is without any authority of law, and deprives your orator of his property without due process of law, in violation of the constitution of the United States.

Six: For as much therefore, as your orator is without remedy, except in a court of equity, and to the end, that the said defendant, William B. Carlile, postmaster, as aforesaid, may be required to answer this, your orator's Bill of Complaint, but not under oath, the answer under oath being hereby waived, and that the said defendant, may be restrained by the injunction of this court from carrying out the order of the said Postmaster General, and that a decree may be en-

tered herein permanently restraining and enjoining the said defendant from carrying out said order and requiring the said defendant to deliver to your orator all mail addressed to him, under the name and style of Organo Product Company, aforesaid, and that pending the hearing of this cause, a temporary injunction or restraining order may be entered herein, enjoining the said defendant from carrying out the said order of the said Postmaster General, and requiring him to deliver to your orator, such mail matter, and that your orator may have such other and further remedy in the premises as to your honors shall seem meet—

May It Please Your Honors, to grant the writ of summons in chancery directed to the Marshall of said District commanding him that he summon the said defendant, William B. Carlile, to appea before said court on the next return day thereof to be held at the Federal Building, Chicago, as aforesaid then and there to answer this Bill—

And May It Please Your Honors, to grant unto you orator the people's writ of injunction to be directed to the
17 said William B. Carlilr, restraining him from carrying out the said order of the said Postmaster General and requiring him to deliver to your orator mail matter addressed to your orator as aforesaid.

FRED LEACH

MATHIAS & SULLIVAN
Solicitors for Complainant.

State of Illinois } ss
County of Cook }

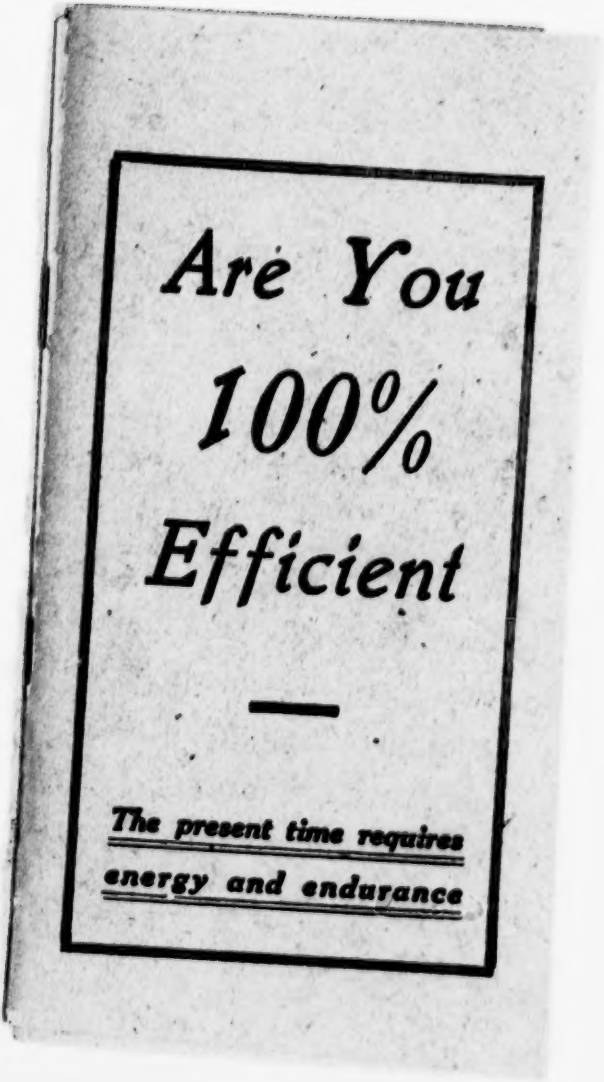
FRED LEACH, being duly sworn, deposes and says that he is the complainant in the foregoing Bill of Complaint, that he has read the said Bill of Complaint and knows the contents thereof, and that the matters and things stated therein are true, except as to such matters as are therein stated to be upon information and belief and as to such matters, he believes them to be true.

FRED LEACH

A. D. 1919.

(Seal)

EDWARD WETTMAN
Notary Public.


Are You
100%
Efficient
The present time requires
energy and endurance

¶ To be ambitious and Succeed in Life, your Nervous System must be Well and Strong, your Blood must be full of Vigor and Vitality. You must have a Bright Mind and Full Control of all your Faculties. But if you are Discouraged, Gloomy, Irritable and have a worn out Nervous System, then, each day only adds to your Misery.

The object and purpose of this little booklet is to endeavor to explain to men of mature age a treatise of a private nature, which we believe will be of interest to you, even though you may not at the present time be in need of same.

Health is the greatest of all possessions, perfect manly health with every organ of the body capable of performing its function with strength and vigor. Yet a good many men, who to all appearances are in perfect health, who attend with seeming interest to their daily affairs, are the keenest sufferers, because of physical weakness, which saps the pleasures of life.

Much of this misery and suffering is brought on by man himself—over work—over indulgences in pleasure—debauch or secret vices. Constant application of the brain without rest are the principal causes in the breaking down of the nervous system, the keystone of good health.

Neurasthenia—is a disease that embraces all conditions from moderate loss of nerve tone to actual nervous prostration. The meaning of the term is, lack of nerve force, a condition which results from overwork, fa-

tigue, excesses, functional disorders, etc. From those suffering with this disease have come many patients for Patent Medicines, Venders of Free Prescriptions, Free Trials, No pay Till Cured, Electric Belts, appliances of various kinds too numerous to mention.

Physicians have been seeking for a long time to relieve the sufferers from this ailment and it has been recognized by learned men of the profession as one of the most difficult troubles to cure. The Medical Profession now believes that there is always some physical condition back of the nervousness and mental symptoms which accompany this trouble altho many doctors still believe that the whole thing is in the patient's mind.

Since the whole body and each tissue thereof, is composed of minute organisms known as cells the condition or health of any portion of the body must depend upon the condition or health of these same cells. In whatever form the disease is manifested there must be primarily an interference with the nutrition or activity of the cells themselves, whether it be from fault within the body or from acquired infection. Therefore if the condition present in an individual is due to an impairment of certain cells which are especially active in maintaining the vitality of a certain portion or function it is reasonable to suppose that if similar cells or cells containing similar elements can be taken into the body and appropriated, a natural result would be an improvement in the part or function as the result of supplying the deficiency which existed. It is on this basis that we recommend

Organo Tablets to our patrons because the form of neurasthenia which causes its sufferers more worry than any other form is that known as Sexual Neurasthenia.

Many remedies have been advocated as successful in the treatment of Sexual Weakness and it might be said that every country had its favorite remedy in medicines which have since proved of little or no value, among these opium, musk, cantharids, amber, cannabis indica, cocaine, yohimbin, nux vomica, damiana, saw palmetto, hoang nan, muirapuama, etc. They do not act in the same way that Organo Tablets do, by actually giving to the system something which is necessary to its metabolism and upbuilding and not merely being stimulating. It is a remedy which supplies the necessary substances to the cells and to the tissues.

Organotherapy. For many years the Medical Profession has made use of a method of treatment which is generally known under the name of Organotheraphy. In brief this is the use of the corresponding organs or glands of certain animals, prepared so that the properties or value are not lost and when used help to restore to the human being, the function of the corresponding organ or the secretion of a gland where the same has become lacking in the human body. In other words, just as pepsin made from the stomach of the hog is used to facilitate digestion when the human stomach is not secreting a sufficient amount of pepsin, so preparations of the Thyroid gland of the sheep have been used where there was a deficiency of thyroid secretion in the human being (goitre) and the follow-

ing out this same reasoning Organo Tablets have been prepared from the sexual glands of the ram. It does not require any prolonged method of reasoning to see the common sense back of this kind of treatment. When there is a lack of certain substances in the human system, to supply it with the same or equivalent substances from suitable animals; the only question is that of being able to properly preserve the vitality or effectiveness of these animal elements so that they may be properly assimilated or taken up by the human body. Organo Tablets are prepared in accordance with our orders, in one of the largest and best laboratories in the country which is in itself a guarantee of the preservation of this cell vitality.

Composition and Mode of Action.—The chief ingredients of this truly Wonderful Compound are those elements found in the Orchitic or testicular Gland of the Ram, extracted and sterilized, forming a powerful tonic which is readily absorbed and assimulated.

Organo Tablets contain the natural nerve foods which support life, and supply nervous vigor; when these substances are drained from the system by wrong living, vicious habits and excesses of various kinds, Organo Tablets are useful to replace these losses, extracts from the Orchitic or testicular Glands. Although not regularly on the market, have been used by physicians since 1896, and are a valuable and scientific treatment for nervous debility and kindred ailments of men.

Organotherapy, altho a comparatively new method is a rational method because it endeavors to supply to the system those

elements which the system has lost or which do not exist in a sufficient quantity, therefore it is good sound common sense to supply this deficiency.

In placing these tablets in your hands we are not attempting in any way to misrepresent to you what this product is, neither are we attempting to try and impress on your minds that this treatment was discovered by some supposed Chinese, Turkish, Hindoo, or some Indian Medicine Man. But on the other hand we frankly tell you that this product and wonderful remedy is being compounded for us in one of the largest and best Laboratories in the world, operated and managed by the most competent and skillful chemists that can be found.

Brown-Sequard first claimed that the testicle secretes a substance which through the nervous system maintains mental and physical vigor. In 1896 Zorh and Pregel (Pfluger's Arch, 1896) claimed to have proved definitely that Testicular Extract diminishes muscular and nervous fatigue. Loisel and Regard have shown that the testicles elaborate an internal secretion which largely determines the secondary sexual characteristics. Recently Angel and Bouin (Comptes, rend de l'Acad, des Sci. 1903-1904) found that the interstitial cells or glands, as they call them, are especially concerned in controlling the development of the secondary sexual characteristics of the male, and probably this action is due to an internal secretion. Testicular Extract is rich in nuclein, and hence has been given with success in anaemia and tuberculosis. It increases arterial pressure (Patta). It is suggested and

indicated, and has been given with very favorable results in neurasthenia and sexual debility. G. L. Roberts reports favorable results in the treatment of exophthalmic goitre (Brit. Med. Jour. Jan. 2, 1904). D. J. MCcarthy (Int. Med. Mag., Nov. 1900) reports the successful treatment of tabes dorsalis, and sclerotic diseases. W. Dufougere recommends Testicular Extract in chlorosis.

THE GAUGE WHICH MOST ACCURATELY MARKS PRE-SENILITY OR PREMATURE OLD AGE.

Nature intended man to retain all his powers and faculties unimpaired to an advanced age; but the march of civilization has been so rapid, the body has been unable to adapt itself to the demands made upon it and the spectacle of men prematurely old is a common one.

The gauge which most accurately marks the reduction of vital power is the status of the reproductive system. The wonderful stimulus, the energy and virility which puberty, and remains throughout life. One of the true indicators of the general bodily condition of the individual. Indeed it may be truthfully claimed that strong, vigorious, self-controlled sexual health, is a necessary element of a virile, strenuous life.

Sexual health is rarely self controlled.

To the average male adult nothing, perhaps, short of death itself is more generally dreaded than the loss of virility. Hence impotence must rank as a most important pathological condition. Decadence of the generative system has, then, a deeper meaning than appears upon the surface. It implies a general loss of physical integrity. The better class of physicians are more inclined to turn a listening ear to complaints which involve the reproductive organs—and this is as it should be, for whether occasioned indirectly by the stress and strain of modern life or directly by the excesses of intemperance, the physician is a healer, not a moral censor, and should devote his best energies to devise some method of cure.

Treatment directed toward improving this condition looks also to improvement of the general condition, and conversely, general tonic treatment reacts favorably upon the reproductive system. Experiments of physicians along this line have repeatedly disclosed this double action, produced by Testicular Extract. It has a specific influence upon the genito-urinary organs, but its general action is that of a powerful rebuilder and rejuvenator. Its effect upon the nervous system is marked, and remedies which favorably influence the great organ of life are regarded by physicians as most useful.

Pre-senility, or premature old age, is a condition which can in most cases be relieved or deferred by a careful and conscientious treatment with Organo Tablets.

Organo Tablets have a special action on the glands of the reproductive organs.

Its action is that of a great vitalizer—tending to increase their activity, to aid their secretory functions and promote the normal development. It is indicated in cases of atrophy of the private organ so common in cases of sexual abuses. Organo Tablets operates in a most remark-

able manner in overcoming these conditions, because it supplies that which nature is endeavoring to supply.

PROVE TO YOURSELF WHAT THE BLOOD CAN DO.

It is a well known fact that the blood is the most essential element in the human body. To convince yourself that no organ of the body can retain strength and life without it, is simple; for example, place one of your arms in an unusual position far above your head, when in bed, until all the blood has left it and returned to the trunk of your body, when, as the saying is, it will go to sleep, it becomes numb, eventually it becomes heavy and you are unable to lift or control it without the use of the other hand, because the blood, the active agent of life, has deserted it. If left in this position long enough it would become dead and useless, for the nerve tissues and muscles lose their power when the blood fails to reach them, and give them nourishment and strength with which to do their work. So it is with all other organs if through obstruction or through weakness the blood is unable to reach any part of the body, the nerve tissue and muscles gradually shrivel up and that part becomes useless and lifeless.

WHAT A WONDERFUL SENSATION

You experience when the blood returns to your arm; what a feeling and stinging sensation the renewed circulation brings. Life and strength again take hold where seemingly death had been.

Our theory of treating the blood, nerve centers and muscles should prove to you that our method is correct; that to build up the entire system is the true way to reach all weak organs and again make them strong and healthy. If every remedy on earth has failed you, a short trial of Organo Tablets should show you results that will more than repay you for the small investment required. Do not wait until it is too late. We will help you, if you believe in a good common-sense method and honest treatment.

PHYSICAL DECLINE—ITS CAUSES AND CONSEQUENCES—NO MAN IS EXEMPT.

Prevalence of Weakness. There are in America today millions of men, between 17 and 65 years of age, who are earnesty seeking relief from sexual weakness in some form or stage. In this vast number are those who, perhaps in ignorance, have weakened and retarded their organic functions, bring ing upon themselves a series of nerve derangements, that make life a burden.

Nervousness. A bulletin on health statistics from 1900 to 1904 has been issued by the United States Census Bureau, which claims that no less than 302,876 persons died from some nervous disorder during this period. This large number of deaths is even greater than those who died from diseases more commonly considered fatal, such as tuberculosis, typhoid fever, malaria, infectious fever, alcoholism, cancer, pneumonia, and even the epidemics of yellow fever. Hence nervous diseases take precedence of all other classes of diseases as a

death producer or destroying agent. That nervous and mental diseases are increasingly prevalent and widespread is very clear. —The Alienist and Neurologist, St. Louis, Mo.

APPEARANCE NO INDICATION OF HEALTH AND MANLY POWER.

Many a man, apparently strong and healthy, who seems to be in perfect health, knows only too well wherein his weakness lies.

His vital force is gone, he has lost the courage, ambition and energy of former years; he lacks that confidence which makes life a success, both in the home and business world; he is hampered in carrying on the duties of life, and often becomes melancholy and despondent.

It is unnecessary to describe the causes leading up to this state of affairs. Men to day are aware that these results may be expected from early indiscretions, overwork, worry, hard manual labor and a dozen other causes.

ANY MAN IS LIABLE TO BE WEAK.

Before proceeding further, we wish to say that not all cases of nervous and sexual decline are caused by excess, abuses, over-indulgence or intemperance.

At this stage of advanced science it has become a well known fact, that a great many men, suffering from nerve weakness and lack of manly power, have never abused themselves through secret habits.

Such men have led exemplary lives; they may be business men, laboring men, doctors, lawyers or ministers. It has been

demonstrated that the strain and worry incident to business cares, undue excitement, sedentary habits, excessive manual labor, grief, constant devotion to study, and the wear and tear of constant brain work, are all frequent causes of weaknesses of the generative system.

DO NOT LET FALSE PRIDE STOP YOU FROM BEING CURED.

From this it will be seen that no man should hesitate to take the proper treatment for nervous weakness, sexual decline and its accompanying ailments, for by so doing he is by no means admitting that he has anything to be ashamed of. If in a weakened condition, it is due to himself whether married or single, that he put himself in good physical condition and we say, don't delay. Don't let false pride keep you from seeking a cure. Attend to it before it is too late.

FIRST LAW OF NATURE.

It is a man's natural duty to be strong and vigorous, and it should be his chief aim to preserve his vitality. In a general sense no man is fitted for the duties of life, if he has grown old before his time, or if he suffers from any of those weaknesses peculiar to men, such as Sexual Decline or Weakened Manhood, Urinary Disorders, Lame Back, Unnatural Losses, etc., that sap the strength and exhaust the vitality and nerve force.

SEXUAL POWER IS SELDOM LOST.

Any honest doctor will tell you that sexual power is seldom lost, except as a nat-

ural result of old age or certain diseases. True it is, that men in the prime of life, as well as younger men, who ought still to be in perfect health, find their manly power declining.

WHY.

Why? Because their nerves and blood have been robbed of those vital elements that furnish the organs with nourishment to keep them in good working order. Few men realize that in most cases sexual weakness is simply nerve weakness through impaired nutrition. Of course, anything that tends to lower the tone of the body may bring on sexual weakness, such as nervous shock, worry, the strain of overwork and a dozen other causes.

RELATION OF NERVES TO BODILY FUNCTIONS.

The vital organs are governed by the nerves, and while a man may be strong and vigorous in every respect, excepting a lack of manly strength, this plainly indicates that the nerves that control the sexual organs have been robbed, in some way, of their strength or tone and they can no longer check and repair the nervous waste.

When a man realizes that he is weak, or failing in any of these essentials of physical manhood, we cannot urge too strongly upon him the necessity of treating his weak nerves. A powerful nerve building, strength giving tonic and invigorating treatment such as the Organo Tablets is needed to assist laging energy, strengthen the nerves that control the sexual organs, and bring back to normal strength those organs that are weak.

ORGANO TABLETS SUPPLY MISSING ELEMENTS.

The timely use of Organo Tablets for a reasonable length of time, seldom fails in invigorating the functions of the body, bringing about tissue repair, so that those parts that are weak, are strengthened and restored to their normal condition.

What can be a more sensible form of health insurance, what a greater preventive of weakness, sickness and disease, what a more rational remedy in the case of weaknesses peculiar to men, than the use of Organo Tablets.

ORGANO TABLETS A LOGICAL REMEDY.

Weakness and ill health may be due to many causes. A man may be reasonably certain that it is this or that function that is at fault. But never can we be absolutely certain, beyond all question of mistake, for no one is endowed with X-ray sight. We cannot look into our bodies and see the organs work, therefore at times it is even difficult to apply the correct treatment, unless it be a logical remedy, such as Organo Tablets.

Let us illustrate in this way:

An engine that has been running smoothly suddenly breaks down. An expert is called in. Examination fails to reveal to his trained eye the exact cause. But he knows there is a cause. Something which he cannot see is out of adjustment. He accordingly orders a "general overhauling." The engine is gone over, cleaned and readjusted. Nuts and bolts are tightened. The work completed, the steam turned on, and the engine runs smoothly again.

WORK WITH NATURE'S LAWS.

It is just so with the body. The particular cause of a man's weakness is often obscured, but nevertheless we know it exists. A logical remedy is a general over-hauling. No matter what organs may be weak, the general benefit given to the whole body, will also tone and invigorate the weak parts.

When the nerves are strong and the blood pure and healthy, the impurities are carried off through the medium of the lymphatics and vital and nutritive elements delivered to all of the tissues and parts.

WHAT MANLY STRENGTH IS.

Manly strength is the "grit," the "nerve" that keeps a man's toe to the firing line of life until he wins the fight. It is the one absolutely essential element of physical, mental, business and social success, of which the weak man has too little. Few men realize what "manly strength" means, for manly strength is certainly something more than mere freedom from sickness.

Every year hundreds and thousands are added to the already long list of men who suffer from lack of manly strength. Dozens of causes are responsible for this state of affairs, but by far the greater number of cases are from lack of nerve force through impaired nutrition. Nerve force is the stamina-staying power—foundation strength —constitutionel vigor, in short vibrant and responsive force. It is the good physiological fairy, that gives physical happiness and material success.

RESERVE NERVE FORCE.

The wise man will start in to recover his manly strength the moment he understands the true significance of his condition. When he finds that nature must have assistance, he will use a full course of Organo Tablets and store up a reserve fund of nerve force. It is this reserve fund of nerve force that enables him to maintain a pace and bear up under a strain that would otherwise wear him out.

Testicular Extract from which Organo Tablets are principally compounded is being recommended and prescribed by leading physicians throughout the civilized world for Nervous Weakness, General Debility, Sexual Decline or Weakened Manhood, Urinary Disorders, Lame Back, Lack of Ambition, Energy and Nerve Force, Sleeplessness and Rundown System. We believe it is the greatest remedy and that it has no equal. It has proven itself safe, prompt and satisfactory in hundreds of cases.

So many men do not take any remedy regularly and faithfully, and unless treatment is given a chance to demonstrate its curative value, it cannot be expected to cure or benefit.

If a patient is faithful to the treatment he may reasonably rely on again enjoying a full measure of strength and ambition, according to his age and the laws of nature.

Honest treatment and the earnest desire to bring relief or a cure within the reach of every suffering man, are the grounds on which we base our reputation, and put the strongest claim on your trust and confidence.

If you are failing in any of the essentials of manhood, we cannot urge you too strongly to give your case timely and immediate attention. Think of the comfort and happiness of coming years, that result only from health and strength, and make up your mind to try with confidence Organo Tablets.

Organo Tablets are a valuable treatment for restoring lost vitality, renewing cell life, and imparting vigor to the organs of man.

Organo Tablets is not a false stimulant. It positively does not in any way contain any injurious or habit-forming drugs, but does, in every way, comply in every respect with the Pure Food and Drug Act.

Organo Tablets are put up in tablet form are absolutely accurate as to dosage, most convenient to use and will positively not injure any part of the system.

Organo Tablets are not an experiment, nor the result of cursory knowledge, but, on the other hand, the embodiment of painstaking study and exhaustive research, and any man who is weak, run down and needs such a remedy, cannot afford to ignore such a reliable preparation.

Organo Tablets are a reliable preparation for building up wasted organs and low vitality; increases the "stamina," the staying power, the responsive nerve force that makes you capable of enjoying life, invigorates man's virile strength; a reliable treatment for all Nervous Affections, Nervous Debility, Physical Weaknesses, and Functional Disorders.

We again wish to impress on your mind that Organo Tablets are not a false stimulant and any one taking this form of treatment must not expect instantaneous results. The troubles for which Organo Tablets are being used, are as a rule diseases that are the results of either years of dissipation or unnatural practices or wasting diseases or long continued strain, and it requires a reasonable time to show an improvement.

In presenting to you the use of Organo Tablets we do so with the firm belief on our part, backed up by actual truths, that it is the most valuable treatment known to the medical profession for the relief of Nervo-Sexual troubles.

BE FAIR WITH YOURSELF.

Now that you have read this plain statement of facts, ask yourself—"Do I need it?" Be fair with yourself. Don't overestimate your condition. In justice to your own candid belief, give yourself the benefit of what it can accomplish.

In cases of vital prostration where men have lost all interest in life because there is no response to the natural laws, Organo Tablets exerts a helpful influence. We might refrain from a sense of delicacy, upon dwelling too lengthily on this subject. Yet it should be understood that the reproductive organs of man have more to do with his good health than is generally known. Much of ill health, vital weakness and impotency, can be greatly relieved by the use of Organo Tablets, a powerful aid to the nutrition of the organs.

We again state to you that in offering you this product we do so with a full knowledge, backed up by actual facts, that these Tablets do not in any form contain mineral or poisonous products, but that it fully

agrees and lives up to the latest Pure Food and Drug Act.

We are not running a so-called fake medical company or institute. No. C. O. D. scheme. No fake guarantees. No free trial treatments. No frauds or humbugs in any form.

Owing to the high cost of Organo Tablets, we are unable to sell them for less than $2.00 a box, 3 boxes for $5.00.

Each box contains a month's treatment.

Remember, Organo Tablets are convenient to carry and can be taken at any time and in any place. Shipped by mail, prepaid.

Remittances can be made in form of Postoffice or Express Money Orders, or Bank Draft.

Address all letters and make all remittances payable to

Organo Product Co.
11 W. Randolph Street
CHICAGO, ILLS.

Organo Product Co.

Not inc.

11 WEST RANDOLPH STREET

CHICAGO, ILLINOIS

ORGANO TABLETS

Are sold at the following prices:

1 box - -	**$2.00**
3 boxes - - -	**5.00**

Gentlemen:—

Enclosed please find $....., for which please send.....boxes of your ORGANO TABLETS.

(PLEASE WRITE PLAINLY)

Name .....

City or Town.....

County.....State .....

No. and Street .....

Post Office Box.....

R. F. D. Route No.....

PRICES

1 box - - -	**$2.00**
3 boxes - - -	**5.00**
6 boxes - - -	**9.00**

Rogersville, Pa.

Gentlemen:—Please send by mail or post another box of tablets for mens sexual powers, think first box is doing me some good.

Please send this box to Rogersville, Pa.

Shawnee, Okla.

Gentlemen:—Please find enclosed order for $3.00, for two more boxes extract, as per your kind offer in last letter. Am feeling better and want to continue yet awhile.

Respectfully,

Louisville, Ky.

Gentlemen:—Enclosed find two dollars, for which please send me one more package. I think it is helping me, so I am going to continue the use of it, until I think I am cured.

Yours,

Dear Sir:—Enclosed please find order for two dollars, for another box of your tablets.

I have taken nearly 2 boxes of them. I will say I can feel a change very distinctly. I feel like trying a little further. I have taken so much heretofore, that I did not have much confidence in the beginning, but I can feel a change now. Will ask you, will these tablets do my wife any good for paralysis of her hands and fingers? Would it act on them—they are dead and numb when she first gets up of mornings. Please advise me in regard to the affect it would have if any, and oblige.

Yours very truly,

Nat'l Home Hospt., Ind.

Gentlemen:—Please send me one box. It is good stuff alright. Enclosed find $2.00 P. O. order for same.

Respectfully,

Calhoun, Colo

Gentlemen:—Please find enclosed P. O. money order for $2.00 for one box.

I think they are all right. I intend to take them steady for 3 or 4 months, perhaps longer if needed.

Respectfully,

Glen Falls, N. Y.

Dear Sirs:—Herewith you will find check for $2.00, for another box of your tablets for men.

I am almost through with the second box, and think I can discern some improvement in my condition. The scrotum doesn't appear to sag as much as before, and the testicles, although as small as ever, seem to be somewhat firmer most of the time.

These facts encourage me to continue the treatment, and if there is further improvement by the end of the month, I will send you an order for three boxes.

Yours very truly,

Dear Sir:—I have taken one box of your treatment, and am feeling fine. I don't think it will be necessary to take eight boxes. If I find it necessary, I will order them. It was my mistake in sending check for ten dollars. Please return same and enclosed find check for two, for which send me one box of treatment, and oblige.

MAIN OFFICE AND MAIL ORDER DEPT.

11 WEST RANDOLPH STREET

CHICAGO - - - - ILLINOIS

Dear Sir:—

In calling your attention to Organo Tablets we honestly believe we are offering you the very best method and remedy for regaining lost sexual power.

In submitting to you this proposition relative to this product we have fully taken into consideration the fact that the newspapers and periodicals published throughout the country are filled with all kinds of alluring advertisements in regard to the treatment of sexual debility and that a majority of such concerns so advertising, request men afflicted with nervo-sexual troubles, to write for literature and the majority of the literature sent out by such concerns is so worded (with an object in view) that any man, even though he be in perfect health, will find after reading over that literature, some symptoms contained in it, which probably he has, in the past been troubled with.

If he were to take for granted the authenticity of the statements made in that literaure, he would be in great danger and if he allowed his case (according to their statements) to go on without taking up their treatment he would, in the course of time, be beyond the means of relief.

The main object of such concerns is to impress upon all men that are or have been troubled with nervo-sexual weakness or lost vitality, in any way, that when once such cases pass beyond a certain point there is absolutely no chance to obtain relief.

We contend that such statements are exaggerated, and misleading and are made only for the purpose of increasing the sale of their medicine.

That sexual powers decline gradually after middle age is reached is natural and expected; still we find men whose appearance is young for their years, and others whose sexual vigor is maintained to an advanced age just as comparatively young men appear to be many years older than they really are, so, too, abuse, excesses, strains, disease or other causes many diminish or destroy the sexual power far more than should be the case in proportion to the age. When a muscle is weakened or wasted away proper nutrition and exercise will build it up in a majority of cases. So, too, proper treatment, etc. will many times completely restore diminished sexual power, especially when this is apparently a premature condition. In other cases a satisfactory improvement occurs altho complete restoration may not result. Some cases will show no change and some which have given no response to one or several treatments may yield when another or suitable one is employed.

(Over)

We honestly believe that no form of treatment has yet been offered that will do more than Organo Tablets.

The use of various animal glands has been extensively employed by the Medical Profession for a number of years and this form of treatment has become known under the name of Organotherapy and is an established method of treatment. One of the best known examples of which is the use of the Thyroid glands of sheep as a treatment for goitre, which in the form thus treated is a disease where this gland has become enlarged and the body is deprived of its secretions. Supplying the Thyroid extract from the glands of the sheep supplies this deficiency to the body with corresponding benefit. Organo Tablets are based on the same theory or scientific principle. It is made in one of the largest laboratories in the country, which is a guarantee that it is properly prepared and really represents the glandular elements claimed.

In closing this letter we earnestly ask you to read carefully the enclosed booklet and after due consideration if you feel that Organo Tablets will be of benefit to you in your present condition we would suggest to you that you waste no further time in making experiments but order a course of our treatment and we give you every assurance that you will be more than pleased with its results.

Thanking you for the interest you have taken so far and trusting that we can be of some service to you, we beg to remain,

Respectfully yours,

ORGANO PRODUCT CO.

SPACE PREVENTS US FROM USING HUNDREDS THAT WE HAVE. "ORGANO TABLETS

IS A REMEDY WORTHY THE CONSIDERATION OF ANY FAIR MINDED THINKING MAN AND AS A REMEDY, IN OUR OPINION IT HAS NO EQUAL.

Grand Island, Nebr.

Gentlemen:—Enclosed find draft for $5.00. My treatment is going near to the end, and so I have to get some now. I have taken your treatment about a year and gaining right along. The pains in the lower region and Bladder are nearly gone which I had, and it troubled me for the last 15 years. I tried many good doctors, but without success, and I am in hopes that your Product will bring me to good health again.

Yours truly,

East Schodack, N. Y.

Gentlemen:—Have used one box, and think it is helping me, and want to continue its use for better results. Will enclose check for $3.00 for 2 more boxes, which with the two dollars I sent you for the month's treatment I used, makes the $5.00 for 3 boxes. I trust for good results.

Yours very truly,

Bainbridge, Ga.

Gentlemen:—Enclosed find order with $2.00 currency for one more box of your remedy, which kindly mail to my address **immediately** with **no delay** if possible. It is a good thing, and is doing me much good. How much longer do you suppose will be required to put me in first class condition? I have taken the remedy 2 months to date.

Sincerely,

Fond du Lac, Wisc.

Dear Sirs:—I thought I would write you a few lines. I am getting along slow but sure. I am 58 years old. My case is of long standing, and it will take 3 or 4 months more treatment before I think I will be airight again. I am sending for another months treatment.

Yours truly,

Scott, Ga.

Dear Sir:—Please send me 2 more boxes for I feel great relief with your medicine. Last year I had chill and fever, but none since I have taken this extract. Please send me 2 boxes at once by return mail. Hoping to hear from you soon.

Yours truly,

Dublin, Ga.

Gentlemen:—I **am writing** you a few **lines in regard to how I am getting** along. **My health** began to run down about **eighteen** months ago. I was doing some heavy work, when I first detected the trouble. When I stooped over to lift anything, I would have an unnatural discharge. I kept getting weaker and weaker until last August, when I began trying the doctor. I tried about four or five **doctors and they all doctored me for the** Syph, but I got no better. I have improved some since I began taking your tablets. The worst trouble is keeping my stomach in good shape. I am constipated badly, and I want to know what would be the best for me to take for that.

I have got a good appetite, and I want to know something about my eating. I want to know what kind of a diet is best for me.

I have taken three boxes of your tablets and am still taking them. Hoping to hear from you soon,

I remain,

Hard Pines, Oregon,

Dear Sirs:—I am sending two dollars for another box. I see some improvement and the remedy is all you claim for it, but I am so badly hurt that it is hard to get results, but am going to keep trying. is all one can do, and hope for the best.

Yours respectfully,

Dear Sirs:—You will find enclosed five dollars, for which you send me three boxes. It seems to be doing what you claimed for it, so will continue with the treatment.

Yours truly,

Decatur, Ill.

Dear Sir:—On the sixth of this month, I sent you two dollars for a box, and I have never received it. I would like to know what is the matter. I sent you an Express Money Order. Now gentlemen, I would rather have the medicine, than the money for it has helped me wonderfully. Now please let me hear from you at once.

Sault St. Marie, Mich.

Gentlemen:—Please find enclosed order for one box, with $2.00 to pay for same. Now some two months ago or more, I got one box, but at that time I got a severe attack of Rheumatism, so I did not take your medicine at that time, but commenced to take it about three weeks ago. I have about one weeks medicine yet, so I wish you to send it by return mail. I am satisfied that I have improved some.

Respectfully yours,

So. Bellingham, Wash.

Dear Sirs:—I have been taking your product now for about 3 months, and can say from experience, it is the best nerve tonic on the market today. I am getting splendid results. But must say I was in a terrible run down condition, and expect to take your treatment until I am fully satisfied that I have a complete and permanent cure. But what I want to say is this, that for a period of over 3 years, I have noticed my strength running away in my water, both at starting to urinate and after, and now at commencing to urinate, my strength will start to run off before the water comes like thick oil, and of a light clear color and after it, will run off stringy for a second or two. I was never affected in my life with any foul diseases. But have run a locomotive for 23 years, am now 47 the first of September, and know of no other reason why I should be so afflicted; but take it for granted, it is long hours of hard work, and having my spine bruised in a railroad wreck, with two head on collisions, and at no time in my life gave myself a thought, but always worked hard for that almighty dollar.

Now then, if you have anything at your command that will stop those drains, mail it to me at once, and in return, I will forward your money to you by first Post. I have spent many dollars for this same thing without results.

Respectfully yours,

Silver City, Idaho.

Gentlemen:—Enclosed find $2.00 send me one box for weak men. I have taken one box and received good results. Send treatment in better box.

Yours respectfully,

Camp Point, Ill.

Dear Sirs:—I am enclosing $5.00 for 3 boxes. After reading your letter in reply to mine in regard to discontinuing the use of your remedy, I was convinced that you were sincere and honest in your statement, and at once commenced the use of the treatment again, and have benefitted thereby, and want you to know it.

Yours truly,

Chippewa, Falls, Wis.

Dear Sir:—I am sending for another box of your extract. The boxes I got before helped me very much, but I think I stopped using them too soon, and this time, I will use them until I feel alright.

Yours truly,

Stanhope, N. J.

Dear Sirs:—I want to take some more of your extract. I think it did me a great deal of good. Last spring, on account of taking phosphates and other things, I could not tell which did me the most good, but I know I had a hard time to get strength, so I felt like myself until June, but since that time, I have felt very good. Now, I want to ward off that spring trouble, so enclosed you will find two dollars for a box.

Yours truly,

Ogdensburg, N. Y.

Gentlemen:—I am enclosing an order for another box. It has been of much benefit so far. I do not expect to overcome several years trouble with two or three boxes of treatment, but I am willing to give it a good fair trial, win or loose.

Very truly,

Somerville, N. J.

Gentlemen:—Enclosed find check for $4.00 for which kindly send me as before, 2 packages of the Tonic Tablets. I find in taking them occasionally in double doses, they are doing me a whole lot of good.

Very truly yours,

Kalamazoo, Mich.

I have taken your medicine so far, and it has given me wonderful results, and I am feeling a whole lot better, and will continue the same. Thanking you for your favors. I have tried so many of those remedies, but this is the best yet. Will write more later on.

Yours sincerely,

Deansboro, N. D,

Gentlemen:—Enclosed you will find an order for one box extract. I am sending this in time, so that I will not run out of treatment.

I have been using the extract for some time, and, while I can see some improvement, it has not been as rapid as I could wish. However, I shall continue for a time in hopes that I shall receive more benefit in the future.

If you have any suggestions to offer, shall be pleased to receive them. How about the use of tobacco.

Yours respectfully,

Hartford, Conn.

Gentlemen:—Enclosed herewith please find check value $2.00, for which please forward me under PLAIN wrapper, one box of your "EXTRACT." I have found a slight improvement after using a little over two-thirds of first box. Kindly mail at your earliest convenience.

Yours very truly,

Manteno, Ill.

Gentlemen:—Just a few lines in regard to your treatment, while I think I am a long ways from being well, I am not discouraged with the treatment. I have now taken seven boxes, and feel a lot better. It is really the best Remedy I have ever tried after 37 years of suffering.

Yours,

Dayton, O.

Sirs:—I have taken one box, and think it is doing some good, and I want to try another. Please send as soon as possible, as I am about out.

Yours respectfully,

St. Louis, Mo.

Gentlemen:—Enclosed please find $9.00 for 6 more boxes. I have taken 3 boxes, and find it has done me some good. I am feeling some better, but the Organs are very weak, and the erections feeble, and at times, have losses at stool but I am going to keep on taking the extract for some time longer, as I think it has done fine so far, and think it will do finer. Thanking you for your prompt attention, I remain,

Yours respectfully,

Beverly, Kansas.

Dear Sirs:—I am sending for another months treatment. I know there is a change for the better since taking this first treatment. I have only enough for about 5 days yet. Please give this your prompt attention,

Respectfully,

Montrose, Pa.

Gentlemen:—Am sending you my second order. I think I can discover an improvement in my condition since I commenced using. Am hoping that 3 boxes more will please me. Am 75 years old next week.

Respectfully Yours,

Syracuse, N. Y.

Gentlemen:—Enclosed find $2.00, for which send me package. It is the best thing I have tried, so I think I will keep on a while longer, if it continues helping me.

P. S.—Please send as soon as possible and oblige.

Lexington, Virginia.

Dear Sirs:—I received the pills you sent me sometime ago. They did me a good deal of good, but I have been out for some time, and I feel that I am going back, so I am enclosing order for another thirty days treatment. I am a man of 68 years. I feel that your remedy will do me good. I remain,

Yours truly,

I am enclosing $2.00 ... Please send them at once to
Yours truly,

Sobieski, Wis.

Gentlemen:—I have taken almost one month treatment, I think it is helping me. Please find enclosed P. O. Money Order for $2.00, for one month more treatment.
My back is some better. Will write again if I see any change for the better.
Yours very truly,

Gypsum City, Kan.

Dear Sir:—Send me another box of your medicine. I have used 2 boxes and I think they help me some. I will keep using them, I think it will take time. Send them right away, I am out of them and I don't want to wait too long. Enclosed please find $2.00.
Yours truly,

Belleville, Kan.

Dear Sir:—Enclosed please find money order for $2.00, for which please send me another months treatment. I find that it has helped me considerable, so I decided to send for some more.
Yours truly,

Santa Ana, Cal.

Gentlemen:—I am in receipt of your letter, and will say in regards to my case, that I am getting better of the discharge slowly, but there is a little yet, and I am not alarmed about it, I think it will finally disappear. I get the Extract in Tablet form through a Mr. Nelson, or Norton. I just don't remember his name, and he is out of town at present but he and I saw the advertisement, and he sent and got it. I think the last order was either 3 or 4 boxes in tablet form. I am not uneasy about the discharge, and will say, that I am sure that it has done me good, and as soon as the discharge disappears, I will be alright. I had the Gonorrhoea about 40 years ago, had forgotten all about that, but 6 or 8 years ago became weak in those parts so much, so that I was almost a failure in Sexual intercourse, but am now better in that respect, and your medicine has done me good, no complaint to make in that regard.
Yours truly,

Gentlemen:—Enclosed find $4.00 for which send me two more boxes and oblige. Before using your remedy, I suffered from nightly losses, on an average of twice a week. Since I have taken 2 boxes, it has made me feel like a new man. I feel sure 2 more boxes will give me a complete cure.

Blanchard, Okla.

Please find enclosed Money order to the amount of $5.00, for which you will please send me three boxes. Please send in as plain a package as possible. I have used one box, and feel that it helped me some.
Yours respectfully,

Templeton Cal.

Dear Sir:—Enclosed please find $2.00 for 1 box. I am a man 64 years old, not married, but like the girls, and your remedy does me so much good, that I do not want to do without them. I do not need to take them often, as I am all right, but they are the best tonic that I have ever used.
Yours,

Stockton, Cal.

Enclosed find check for $5.00 in payment for 3 boxes.
P. S.—My father has used the Extract for several years. He says it helps keep him up. He is a carpenter and does considerable work every day. He files his saws, and sharpens all his tools, etc. He passed his 83rd birthday last month.

Rock Springs, Texas.

Gentlemen:—Enclosed find exchange for $5.00, for which please send me two months treatment. I got two months treatment of this Extract some time ago, and certainly did me a great deal of good. Put up package carefully, as it has long ways to come, and oblige.
Yours,

Cleveland, Ohio.

Gentlemen:—Enclosed please find check for ($5.00) five dollars, for which please send me three more boxes. I haven't taken any for some time, but I want to take them again. Am more than satisfied from the benefits that I have received from their use.
Yours very truly,

It certainly delivers the goods. I enclose $2.00 for another box.
Respectfully,

Littig, Texas.

Dear Sir:—Please send me one box of your extract C. O. D. I have been greatly benefitted with results and would be glad to act as agent.
Yours truly,

I am well satisfied with results of your treatment and will speak a good word to any one needing an honest treatment.
Yours sincerely,

Gloucester, Mass.

Dear Sirs:—Please send another box of your Extract. Enclosed please find $2.00 for same. I have so far secured excellent results from the use of it.
Truly yours,

Dear Sirs:—In answer to your letter of January 19th, will say, that product has done me a world of good, and I want to ask you whether you have a massage balm for local treatment. I used to get a balm from Frederick Main, but as he has gone out of business, I am unable to get it any more. If you have nothing of the kind, or know where I can get it, I would be glad if you would let me know. Thanking you I am
Yours respectfully,

Toledo

I sent for a box of your greatest known treatment for weak men. I have used it all, and find that it just what I need. I send you (5.00) five dollars for three boxes. Please send by return mail and wrap and tie securely.
Yours truly,

Dear Sirs:—Please find enclosed check for $5.00, for which mail to me at Hotel Clark, Los Angeles. Cal., three boxes by return mail.
I have already used three boxes which have done me a great deal of good.
Yours truly,

Woodville, Mich.

Dear Sirs:—I am sending for some more of your extract, I think it is helping me, and I think I will try about 3 months treatement this time.
I am feeling better than I have for years. For 16 years haven't cut my own wood till this winter.
Yours truly

Emerson, Neb.

Gents.:—Enclosed find check for $2.00, and order for one box. Your remedy seems to do me much good.
Respectfully,

Pensacola, Fla.

Dear Sir:—Enclosed with a money order for $2.00. Please send by mail one box, which is one month treatment. Dear Sir, I am very much pleased with the results and I feel stronger, thank you for past favors.
Yours truly,

York Corner, Maine.

Dear Sirs:—Your treatment which I have been using, has done me so much good, that I have made up my mind to continue using it for some time, and I have ordered from you today three boxes, so as to have some on hand.. I enclose a money order to pay for them and ask you to please send them as soon as possible, so I will get them before my other box is all used up. I received my last box all right, and thank you for same. They reached me in plenty of time, so I did not get out of treatment. I also received your last letter, and I note carefully its contents. I will say that I am glad that you called my attention to your wonderful remedy and thank you for same. I remain,
Yours truly,

Middle Branch, O.

I am pleased to report favorably of the use of your remedy. I have been taking it for 19 days, and find a good improvement in my condition. I am enclosing an order for 3 boxes. The loss in the package sent me was 24 tablets. I believe your count was correct and the box was broken in the mail bag. When I received the package, before I opened it, in turning it over, two tablets dropped out on the floor.
Respectfully,

... bad, but just need a little help and your medicine helps me fine, when I need it. Thanking you for the interest that you have taken in my case, I am as ever,

Elwood City, Pa.

Gentlemen:—Enclosed find P. O. for $5.00, for which please send me at your earliest opportunity, three boxes. This is the 4th order I have send you, each for three boxes. I will say that I have had great benefit since I commenced using them. Before commencing using them, I lost a lot of work, worked with a tired run down feeling. Since I have taken your treatment, I don't feel this tired feeling, and have not lost a days work for months. I am sixty years old next month. I reman,
Yours truly,

Anniston, Ala.

Genta.:—Enclosed please find my check for ($3.00) three dollars, for which please send me two boxes of your treatment. I have been greatly benefitted, and think I am nearly well, but want to continue treatment, until finally cured. Your remedy is worth all other treatments I have used. I thank you for placing such a valuable remedy in the reach of the suffering humanity. I will write you fully when I demonstrate its good effects. With best wishes, I am ever your friend forever.
Respectfully,

Altoona, Pa

Gents.:—Enclose find $2.00, for which send me another box. I have taken one box and am pleased with results.
Yours Respectfully,

Hamilton, Ont.

Dear Sir:—Enclosed find express money order for $5.00 and in return send me 3 boxes in c/o Grand Central Hotel, St. Catharines, Ontario.
I will be in St. Catherines in a few days, and expect to stop there a few weeks.
I think this order will fix me up fine, and then I will write you. It is a honest remedy.

Columbus, Ga.

You will find enclosed $2.00 for which please send me one box 30 days treatment.
I have just finished a 30 days treatment and it has helped me wonderfully.
Respectfully yours,

Brush, Colo.

Gentlemen: Please find Post Money Order $2.00, Send me one box by mail. I am gaining every week andhope to be cured soon. Yours truly,

Baltimore, Md.

Gentlemen: In compliance with your request beg to advise that there is apparently considerable improvement in my condition. If the ratio of improvement is continued, believe that six months treatment in all will effect a complete cure and give me the benefit desired—am now starting third month. There is only one question at this time—that is—how about the after effects Have you reason to believe after stopping the treatment there will be no reaction—provided of course the patient is temperate etc. Do you know that the effects of your treatment will be lasting?
Awaiting your reply, I remain,
Very truly yours,

Cleveland, Wis.

Dear Sirs: I am feeling well and am getting along fine.
I am only taking the Extract to build up my testicles which are not quite normal size. They have grown harder and a little bit larger. If you think they will be brought to normal size by using the Extract then please tell me about the effects it produces.
Yours sincerely,

Vallejo, Cal.

Dear Sir: I remit to you today $2.00 for another box. Your remedy has made some change in my case and some troubles are not so bad as they was before taking your treatment. You state that while taking your remedy that the bowels should be kept well regulated. Will you please let me know how to regulate them if possible.
Yours respectfully,

Allentown, Pa.

Gentlemen: Find enclosed check for $2.00 or Two Dollars, for which send me one box. I am getting along fine.
Very respectfully,

32 EXHIBIT D.

MAIL ORDER DEPARTMENT

ORCHIS EXTRACT

THE MOST WONDERFUL TREATMENT FOR MEN

MANUFACTURED AND SOLD BY

PACKERS PRODUCT CO., San Diego Bldg., CHICAGO, ILL.

Gentlemen:—

_____ Inclosed please find $_____ for which please send _____ boxes of ORCHIS EXTRACT.

(PLEASE WRITE PLAINLY)

Name _____

City or Town _____

County _____ State _____

Number and Street _____

Post Office Box _____ R F D Route No. _____

Prices: One Box, $2.00; Three Boxes, $5.00; Six Boxes, $9.00

(Endorsed) Filed Aug. 20, 1919, John H. R. Jamar, Clerk.

Dear Sir:—I have used the Orchis treatment. It has helped me so much I am enclosing $5.00 for three more boxes. Please send them at once to

Yours truly.

Sobieski, Wis.

Gentlemen:—I have taken almost one month treatment. I think it is helping me. Please find enclosed P. O. Money Order for $2.00 for one month more treatment. My back is some better. Will write again if I see any change for the better.

Yours very truly.

Gypsum City, Kan.

Dear Sir:—Send me another box of your medicine. I have used 2 boxes and I think they help me some. I will keep using them. I think it will take time. Send them right away. I am out of them and I don't want to wait too long. Enclosed please find $2.00.

Yours truly.

Belleville, Kan.

Dear Sir:—Enclosed please find money order for $2.00, for which please send me another months treatment. I find that it has helped me considerable, so I decided to send for some more.

Yours truly.

Santa Ana, Cal.

Gentlemen:—I am in receipt of your letter, and will say in regards to my case, that I am getting better of the discharge slowly, but there is a little yet and I am not alarmed about it. I think it will gradually disappear. I get the Extract in Tablet form through a Mr. Nelson, or Norton. I just don't remember his name, and he is out of town at present but he and I saw the advertisement, and he sent and got it. I think the last order was either 3 or 4 boxes in tablet form. I am not uneasy about the discharge, and will say, that I am sure that it has done me good, and as soon as the discharge disappears, I will be airight. I had the Gonorrhoea about 40 years ago, had forgotten all about that, but 6 or 8 years ago became weak in those parts so much, so that I was almost a failure in Sexual intercourse, but am now

Stanley, Wash.

Gentlemen:—I have used one box of your remedy for sex weakness, that exactly describes the goods. I enclose $2.00 for another box.

Respectfully.

Little, Texas.

Dear Sir:—Please send me one box of your extract C. O. D. I have been greatly benefitted with results and would be glad to act as agent.

Yours truly,

I am well satisfied with results of your treatment and will speak a good word to any one needing an honest treatment.

Yours sincerely.

Gloucester, Mass.

Dear Sirs:—Please send another box of your Extract. Enclosed please find $2.00 for same. I have so far secured excellent results from the use of it.

Truly yours.

Dear Sirs:—In answer to your letter of January 19th. will say, that product has done me a world of good, and I want to ask you whether you have a massage balm for local treatment. I used to get a balm from Frederick Main, but as he has gone out of business, I am unable to get it any more. If you have nothing of the kind, or know where I can get it, I would be glad if you would let me know. Thanking you I am

Yours respectfully,

Toledo

I sent for a box of your greatest known treatment for weak men. I have used it all, and find that it just what I need. I send you ($5.00) five dollars for three boxes. Please send by return mail and wrap and tie securely.

Yours truly.

Dear Sirs:—Please find enclosed check for $5.00, for which mail to me c/ Hotel Clark, Los Angeles, Cal., three boxes by return mail.

Anniston, Ala.

Gents:—Enclosed please find my check for ($2.00) three dollars, for which please send me two boxes of your treatment. I have been greatly benefited, and think I am nearly well, but want to continue treatment, until finally cured. Your remedy is worth all other treatments I have used. I thank you for placing such a valuable remedy in the reach of the suffering humanity. I will write you fully when I demonstrate its good effects. With best wishes, I am ever your friend forever.

Respectfully.

Altoona, Pa.

Gents:—Enclose find $2.00, for which send me another box. I have taken one box and am pleased with results.

Yours Respectfully.

Hamilton, Ont.

Dear Sir:—Enclosed find express money order for $5.00 and in return send me 3 boxes to c/o Grand Central Hotel, St. Catharines, Ontario.

I will be in St. Catherines in a few days, and expect to stop there a few weeks. I think this order will fix me up fine, and then I will write you. It is a honest remedy.

33

EXHIBIT E.

Post Office Department
Office of the Solicitor
Washington

April 16, 1919.

Organo Product Company,
11 W. Randolph Street,
Chicago, Illinois.

Gentlemen:—

Inclosed herewith is a memorandum setting forth certain charges which, by direction of the Postmaster General, are under consideration in this office, to the effect that you are engaged in conducting a scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations or promises, in violation of Sections 3929 and 4041 of the Revised Statutes, as amended, a copy of which is also inclosed. You will note that these statutes authorize the Postmaster General to prohibit the delivery of mail and the payment of money orders to any person or company found to be operating a scheme or device of this character.

The charges set forth in this memorandum will be taken up for disposition on May 6, 1919, at 10:30 o'clock a. m. If an answer to the charges is made, it should be in writing. It may be forwarded by mail or presented in person or by attorney at the time stated, when you may submit any evidence you may have in support thereof.

The charges will be taken up and disposed of at the time stated whether an answer is filed or not.

Respectfully,
(signed) W. H. LAMAR,
Solicitor.

Inclosure.
283

Subscribed and sworn to before me this 20th day of August,
(Endorsed) Filed Aug. 20, 1919. John H. R. Jamar, Clerk

34 EXHIBIT F.

Post Office Department
Office of the Solicitor
Washington

April 16, 1919.

In the matter of Charges that the Packers Product Company at San Diego Building, and 311 River Street, Chicago, Illinois, is engaged in conducting a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, in violation of Sections 3929 and 4041 of the Revised Statutes as amended.

Memorandum Recommending the issuance of a citation to show cause why a supplemental fraud order should not be issued against the Organo Product Company, at 11 West Randolph Street, Chicago, Illinois.

It is charged that one Fred A. Leach, who conducted the business done in pursuance of a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, under the name Packers Product Company, at San Diego Building, and 311 River Street, Chicago, Illinois, against which name a fraud order was issued on the 4th day of April, 1918, is conducting the same scheme under the name Organo Product Company, which said scheme is in substance and effect as follows:

By means of representations and promises contained in booklets, circulars, letters and other printed and written matter sent through the mails, said party, doing business as aforesaid, is obtaining remittances of money from various persons through the mails in payment for a preparation formerly sold by the Packers Product Company herein under the name "Orchis Extract," and known and sold by him under the name Organo Product Company herein, as "Organo Tablets," by leading such persons to believe that by the use of said preparation lost manhood can be restored irrespective of the cause of the trouble or the condition of the patient; whereas, in truth and in fact, as said party well knows, the use of said preparation will not bring about said result, but the said

party so represents for the sole purpose of obtaining the aforesaid remittances.

I therefore recommend that said party be called upon
35 to show cause why a supplemental fraud order should not be issued against the Organo Product Company, at 11 West Randolph Street, Chicago, Illinois.

(Signed) FLEET W. COX,
Assistant Attorney.

To the Solicitor
for the Post Office Department.

(Endorsed) Filed Aug. 20, 1919. John H. R. Jamar, Clerk

36 EXHIBIT G.

Chicago, Illinois.
May 17, 1919.

In the Matter of the Organo Product Company, 11 W. Randolph St. Chicago, Illinois.

To the Honorable Solicitor
Post Office Department,
Washington, D. C.

Sir:

In response to the citation of your office in the matter of Fred A. Leach doing business under the name and style of Organo Product Company, we desire to respectfully submit the following answer:

1. The said Fred A. Leach denies that he is conducting a scheme for obtaining money through the mails by means of false or fraudulent pretenses, representations or promises.

2. That said Fred A. Leach denies that he is leading persons to believe that by the use of Organo Tablets lost manhood may be restored irrespective of the cause of the trouble or condition of the patient.

3. The said Fred A. Leach represents that he is engaged in business under the firm name and style of Organo Product Company, that the business of said Company is to sell tablets known as Organo Tablets which are composed of orchic substance and sugar of milk as a binder, that the said tablets are manufactured by Parke, Davis & Co., of Detroit, Michigan, that they are the same kind of tablets as was formerly sold by this respondent under the name of Orchis Extract,

when this respondent was engaged in business under the name and style of Packers Product Company. This re-
37 spondent submits herewith as Exhibits A, B, C, and D, the advertising matter used by him in the sale of Organo Tablets, and this respondent states that he believes that all the statements contained in said advertising matter are true in substance and in fact, and have been so proven by the persons who have used said tablets for ailments for which they are sold by this respondent.

4. This respondent admits that a fraud order was issued on the 4th day of April, 1918, with respect to the Packers Product Company, that thereafter on the 8th day of May, 1918, a Bill for an Injunction was filed in the United States District Court for the Northern District of Illinois, by your respondent against William B. Carlile, Postmaster of Chicago, to enjoin the execution and enforcement of said fraud order, that the said Bill of Complaint and the answer thereto came on for hearing before His Honor Judge Baker, one of the Judges of the United States Circuit Court of Appeals for the Seventh Circuit, sitting as a Judge of the District Court of the United States for the Northern District of Illinois, and the said Judge rendered the following memorandum opinion:

"Guided by the teachings in the case of School of Magnetic Healing v. McAnnulty, 187 U. S. 94, at pages 104 to 107 inclusive, it seems clear to me that the question of efficacy of orchic extract would be a matter of opinion, quite like those differences of opinion between the allopathic and homeopathic schools of medicine respecting the efficacy of their divergent remedies, if the complainant in his booklet had confined him-
self within the recognized range of opinion of those
38 members of the medical profession who have experimented with and used testicular extracts. But on pages 4 and 5 of the advertising booklet appear declarations of positive and actual results, which go beyond the recognized opinion. In other parts of the book I find statements which seem to evince a willingness on the part of the complainant to misrepresent, or at least to permit the reader to deceive himself respecting the size and character of the complainant's place of business. I also note that the complainant has taken for the name of his product the generic name which the medical profession applies to all testicular substances, and thereby gives the impression that the complainant's substance is the one which has been used and prescribed by physicians gen-

erally. These latter matters I take as merely corroborative of the essential misrepresentations of the positive and actual results obtained by the use of the complainant's compound.

I therefore find that there was basis in the record before the Postmaster General on which the order may be sustained and that it is beyond any proper exercise of judicial power to nullify the order on the ground that nothing was involved except the expression by the complainant of a bone fide opinion which he was justified in holding.

The defendant's motion to dismiss the bill is sustained."

This respondent further states that after the rendition of said opinion the following conversation occurred between Mr. Mathias, Attorney for this respondent, the Court, and Mr. Glass, Assistant United States District Attorney:

39 Mr. Mathias: Let me make a suggestion, a practical suggestion. You have heard what Judge Baker has said about his view on the law. I gather from what he has said, if according to his theory there had been no over-statements, if that representation had confined itself within the medical works—

The Court: Yes.

Mr. Mathias: Then it would have been a matter of opinion, and the Post-Master General would have been guilty of a mistake of law.

The Court: Yes.

Mr. Mathias: Now, we are willing to change that and make it come right within everything, and we would like to take it up with the Post-Master General. I wish we had the benefit of an opinion of Judge Baker on this motion of some kind so that we could take it up with him and go down there and show it to him and get him to agree. We will change this thing and see if we can't get the Post-Master General— Then I could take that down there. That is more practical than an appeal and re-organization and getting an advertisement that comes within these medical works. I see the force and effect of what your Honor says there.

The Court: You understand that you are the actor, the burden is on you.

Mr. Mathias: I am asked to set aside and hold for nought an administrative order of the Post-Master General. I hold under this McNulty case, the proper construction of the statute, that this would be like the difference between the the

40 allopaths and the homoepaths if the advertisement had

confined itself to what the allopaths are claiming or what the homoepaths are claiming.

Mr. Mathias: Here is the way this would work out practically. Maybe if we would change that, the Post-Master General would give us the mail.

Mr. Glass: I don't think so.

Mr. Mathias: He ought to if we change our advertising so that we will come within the decision. Those fellows will want the medicine. They are awfully anxious to get it. You know how a fellow like that would be if he was very much interested in those things.

Mr. Glass: The only purpose of it is to give the people who are sending the money some satisfaction as to what is done with the mail. They get no reply. More letters are coming asking why they have received no reply. There is getting to be a large accumulation; merely inquiries, I believe.

Mr. Mathias: I believe I could get them to give up the mail if we had the Judge's opinion.

Mr. Glass: He means he could go to Washington and get the Post-Master General to modify his order.

Mr. Mathias: On condition—

Mr. Glass: I thought he meant the Post-Master here.

The Court: No.

Mr. Mathias: I would go to Washington and show him Judge Baker's opinion.

41 Mr. Glass: Do anything you want in that time.

(Whereupon the Court dictated a memorandum of his opinion to his stenographer)

Mr. Mathias: You said I could draw the order. I suggest this, that I go to Washington before we enter the order.

The Court: Well—

Mr. Mathias: The court renders his opinion. We go to Washington before the order is presented. I will draft the order and go down there and see if we can't get this shaped up and get that mail.

Mr. Glass: I doubt it very much. You could have your order for appeal and not perfect it at any time up to—

Mr. Mathias: I would have to give a bond.

The Court: What he is after is to see if his client cannot obtain possession of the mail.

Mr. Glass: For that reason he wants the order detained a little while.

Mr. Mathias: Yes.

Mr. Glass: How long?

The Court: If the order is entered now I would enter a provision directing the Post-Master to continue to hold the mail and not return it until after application could be made to the Court of Appeals for them to determine whether it should be had no not.

Mr. Glass: Instead of entering the order today—how
42 are you going to do that?

Mr. Mathias: He could enter the order and make the other provision. I think it would be better to let me go to Washington, for, if I get what I want, I will not appeal. It will save costs and expenses.

The Court: Insomuch as it is going to stay there, I see no objection to allowing you to do that. I would feel that the justice of the situation would require me to. Pretty close case, pretty narrow foundation there to sustain this order on. I think it is sustainable and I am compelled to sustain it, but the product itself is not like the Syrup of Figs and some other things that were held to be fraudulent in and of themselves where a man is representing he is getting out Syrup of Figs and there is no syrup of figs in it. It isn't anything of that sort. It is dealt in by reputable firms like Armour and Parke Davis. The only way I am sustaining the Post-Master-General is on these places where I have found the man has stated positively things that go beyond any justifiable range of opinion as expressed in the medical authorities in his favor. Of course, there are medical authorities the other way, among them the fellow who was before the Post-Master General and who says the whole thing is bunk. He can have an opinion the other way, to come within the McAnulty case. If he didn't go any further than the physicians, who entertained opinions on his side, saying that the medical science justified it, but because he did go beyond that I am declining to set aside the Post-Master General's order. I may be mistaken about
43 it. The question is close enough. While I am rendering a decree in your favor, I would stay the hand of the Post-Master in extending this thing back until you and your opponent could go before the Court of Appeals and have them give their views as to whether the order of the Post-Master General should continue until the record could be gotten up, and so on.

Mr. Mathias: Yes.

The Court: I will hold it until there is time to present to

the Court of Appeals a motion on your part to proceed with the order.

Mr. Glass: That is the way to get at that. I am perfectly willing.

Mr. Mathias: Not enter it. I will go down and see what I can do and come back and tell you. Then you can enter the order here.

The Court: Yes.

This respondent further states that pursuant to the arrangement then made, Mr. Mathias, Attorney for this respondent, went to Washington in the month of August 1918, and took up the matters relating to the said Packers Product Company, with the Honorable W. H. Lamar Solicitor of the Post Office Department, and with his Assistants, with the result that the said Post Office Department refused to turn over the mail that had been undelivered by the Postmaster of Chicage to this respondent, but that at said time the matter of continuing the business by this respondent under a new name, and with new advertising matter which eliminated the objectionable features of the advertising matter formerly
44 used by the Packers Product Company, was discussed, that while no agreement was made between respondent's counsel and the Honorable Solicitor General and his Assistants with respect to the future conduct of this respondent's business, this respondent was advised by his counsel that it was understood at that time by the said counsel and the Honorable Solicitor of the Post Office Department that said tablets then known as Orchis Extract and later as Organo Tablets might be sold by this respondent if properly and truthfully advertised and that the name under which this respondent conducted his business should be changed, that the name of the product should be changed and that the advertising matter should be changed.

This respondent further states that for the purpose of complying with all of the provisions of the law and with the suggestions and opinions of the said Honorable Judge of the United States Circuit Court, and with the views of the Honorable Solicitor General and his Assistants as expressed to this respondent's counsel, this respondent under advice of his counsel discontinued conducting the business under the name of Packers Product Company, destroyed all the advertising matter of said Company and started a new business under the name of Organo Product Company, and changed the name of the tablets sold by him to Organo Tablets, and pre-

pared new advertising matter wherein he endeavored to eliminate every statement that was found objectionable in the proceedings in the United States District Court for
45 the Northern District of Illinois and submitted such advertising matter to his counsel and to members of the Medical Profession, and caused the same to be printed only after it had been approved by the members of the Medical Profession and by his said counsel, as fairly coming within all the requirements as to fact and law, that this respondent being advised that all statements contained in said advertising matter were true as he verily believes them to be true and upon advice of counsel that by the use of such advertising matter he would not be violating any of the laws of the United States, proceeded to conduct his business in the honest belief that he was complying with all of the laws, and rendering a service to the persons who used such tablets for the purposes for which they were being sold and without any intention whatever to wrong or defraud any person or to misrepresent any fact with respect to said remedy.

This respondent further states that he has testimonials from hundreds of persons who testify that they have been benefited, improved in health and physical vigor by the use of said tablets.

With respect to the statements contained in the advertising matter of the said Organo Product Company, copies of which are hereto attached and for confirmation of the same, this respondent respectfully refers the Department to the following publications:

46 Internal Secretary Organs—Biedl—1913.

Practical Harmone Therapy—H. R. Harrower, M. D.—1914.

Organs of Internal Secretion—Ivo Geike Cobb, M. D. M. R. C. S.—1917.

The Internal Secretion in Practical Medicine—H. R. Harrower, M. D.

Organotheraphy—H. Batty Shaw, M. D. F. R. C. P.

Old Age Deferred—Arnold Lorand, M. D. of Carlsbad, Austria.

Potter's Materia Medica Pharmacy and Therapeutics.

Reference Handbook of the Medical Sciences.

This respondent further states that the firm of Burroughs, Wellcome & Company, one of the leading pharmaceutical manufacturers of London, England, who do a large business in the United States, advertise testicular substance in their cata-

log and other publications as Didymin (Testicular Substance) and publish concerning it the following: "This substance has been used in premature senility, neurasthenia, locomotor ataxia, and sterility." The Parke Davis & Company, leading pharmaceutical manufacturers of Detroit, Michigan, in their catalog and other advertisements of their products describe said testicular substance as "Orchic Substance Dessicated" and in such publications say with reference thereto "Indications: neurasthenia, diabetes, hypertrophic, protatitis, impotence, hysteria, hystero-epilepsy, and as an aphrodesiac. Beneficial effects have been observed in eczema, psoriasis, and obesity, dose one to five grains is the usual initial dose to be increased pro re nata."

47 This respondent further says that said substance is manufactured by Armour & Company, and other large packers, and by numerous pharmaceutical manufacturers of the United States and other countries, and is carried by druggists and used by them in filling prescriptions and is indicated in leading works on Materia Medica as a medium to be used with reference to the ailments for which it is advertised by this respondent.

This respondent further answering denies that he is guilty of the charge made against him in this proceeding, and respectfully prays that the same be dismissed.

FRED LEACH

MATHIAS & SULLIVAN
Attorneys for Respondent.

State of Illinois }
County of Cook } ss.

FRED A. LEACH being first duly sworn deposes and says that he has read the foregoing answer by him subscribed and that the matters and things contained therein are true.

FRED LEACH

Subscribed and sworn to before me this 17th day of May, 1919.

LOUIS J. VICTOR
Notary Public.

(Endorsed) Filed Aug. 20, 1919. John H. R. Jamar, Clerk.

48 Exhibits A, B, C and D to this answer which is exhibit G to this bill of complaint are identical printed copies of Exhibits A, B, C and D of this bill of complaint.

49 EXHIBIT H.

State of Illinois }
County of Cook } ss.

JAMES L. CHURCH, being first duly sworn deposes and says that he is a licensed physician and surgeon residing in the City of Chicago, Illinois; that he has been engaged in practicing medicine since 1905; that he is familiar with the standard works of the subject of materia medica and therapeutics; that the standard works on said subject recognize orchitic substance as a useful and effective remedy in the treatment of nervous disorders and sexual weakness and that affiant is of the opinion that orchitic substance is a useful and effective remedy for nervous disorders and sexual weakness.

And further affiant saith not.

JAMES L. CHURCH, M. D.

Subscribed and sworn to before me this 17 day of May, A. D. 1919.

LOUIS J. VICTOR
Notary Public.

(Endorsed) Filed Aug. 20—1919, John H. R. Jamar, Clerk.

50 EXHIBIT I.

State of Illinois }
County of Cook } ss.

JAMES L. CHURCH, being first duly sworn deposes and says that he is a licensed physician and surgeon practising in the City of Chicago, Illinois, that he has been engaged in the practice of medicine and surgery since 1905, that he has read the attached booklet, the same being an advertisement of Organo Tablets, and that in his opinion the matters and things stated in said booklet are true in substance and in fact.

JAMES L. CHURCH M. D.

Subscribed and sworn to before me this 17th day May, A. D. 1919.

LOUIS J. VICTOR
Notary Public.

The booklet which was attached to this original affidavit was a printed copy of Exhibit A to this bill of complaint.

(Endorsed) Filed Aug. 20—1919, John H. R. Jamar, Clerk.

51 EXHIBIT J.

State of Illinois } ss.
County of Cook }

FRED LEACH being first duly sworn deposes and says that the attached pages contain full, true and correct copies, except signatures, of the original letters received by the Packers Product Company, from customers who purchased Orchis Extract from said company.

FRED LEACH

Subscribed and sworn to before me this 17th day of May, A. D. 1919.

LOUIS J. VICTOR
Notary Public.

(Endorsed) Filed Aug. 20—1919, John H. R. Jamar, Clerk.

52 Calhoun, Colo 3/13-1918

Packers Product Co.,
Chicago, Ill.

Gents.

Please find enclosed P. O. money order for $2.00 for one box of Orchis Extract.

I think they are all right. I intend to take them steady for 3 or 4 months, perhaps longer if needed.

Respectfully,

Shawnee Okla 2/18/18.

Packers Product Co.
Chicago, Ill.
Gentlemen:

Please find inclosed order for $3.00, for two more boxes extract, as per your find offer in last letter, am feeling better and want to continue yet awhile.

Resp—

Nat'l Home Hospt. Ind.

Packers Product Co.,
Gentlemen:

Please send me one box of Orchis Extract.
It is good stuff alright.
Enclosed find $2.00 P. Order for same.

Respect.

---

53 fingers would it not on them—they are dead and numb when she first gets up of mornings. Pleas advise me in regard to the affect it would have iff any and oblige.

Yours very truly,

Louisville, Ky. April 1st, 1917

Packers Product Co.
Chicago, Ill.

Gentlemen:

Enclosed find Two Dollars for which please send me one more package of Orchis Extract i think it is helping one so i am going to continue the use of it until i think i am cured.

Yours,

Glen Falss, N. Y. Sept. 8th, 1917.

Packers Product Co.
San Diego, Bldg.,
Chicago, Ill.

Dear Sirs:

Herewith you will find check for $2.00 for another box of your tablets for men.

I am almost through with the second box and think I can discern some improvement in my condition. The scrotum doesn't appear to sag as much as before, and the testicles, although as small as ever, seem to be somewhat firmer most of the time.

These facts encourage me to continue the treatment, and if there is further improvement by the end of the month I will send you an order for three boxes.

Yours very truly,

54

Rogersville, Pa.

Gentlemen:

Please send by mail or post another box of tablets for mens sexual powers, think first box is doing me some good.

Please send this box to Rogersville, Pa.

Nov. 15, 1917.

Dear Sirs:

I have taken on box of your treatment and am felling fine. I dont think it will be necessary to take eight boxes if I find

it necessary I will order them. It was my mistake in sending check for ten dollars. Please return same and enclosed find check for two for which send me one box of Orchis treatment, and oblige.

Grand Island, Nebr. Feb. 4/18/

Packers Product Co.
Gentlemen:

Inclosed find draft for 3.00 doll my treatment going near to the end and so I have to get some now. I being taken your treatment about a year and gaining right long, the pains in the lower region and Bladder are near gone which I had and it troubled me for the last 15 years. I tried many good doctors but without success and I am in hope that your Product will bring me to good health again.

Yours truly,

East Schodack, N. Y. Feb. 6th, 1918.

Packers Product Co.
Chicago, Ill.
Gentlemen:

Have used one box of Orchis Extract and think it is helping me and want to continue its use for better results. Will
55 enclose check for $3.00 for 2 more boxes of Orchis Extract which with the two dollars I sent you for the months treatment I used makes the $5.00 for 3 boxes. I trust for good results.

Very truly yours,

Bainbridge, Ga. 11/15/17

Packers Product Co.
Chicago, Ill.
Gentlemen:—

Inclosed find order with $2.00 currency for one more box of your remedy, which kindly mail to my address immediately with no delay if possible. It is a god thing and is going me much good. How much longer do you suppose will be required to put me in first class condition? I have taken the remedy 2 mos to date.

Sincerely

Fond du Lac, Feb. 18, 1918.

Dear Sirs:—

I thought i would write you a few lines i am getting along slowly but sure. I am 58 years old. My case is of long standing and it will take 3 or 4 months more treatment before i think I will be alright again. i am sending for another months treatment.

Yours truly,

Scott, Ga.

Packers Product:

Dear Sir:

Please send me 2 more boxes of your Orchis extract for I feel great relief with your medicine. Last year I had chill and fever but since I have taken this extract. Please send me 2 boxes at once by return mail. Hoping to hear from you soon.

Yours truly,

56

Dublin, Ga. March 9, 1917.

Packers Product Company,

Gentlemen:—

I am writing you a few lines in regard to how I am getting along.

My health began to run down about eighteen months ago. I was doing some heavy work when I first detected the trouble. When I stooped over to lift anything I would have an unnatural discharge. I kept getting weaker and weaker until last August when I began trying the doctor. I tried about four or five doctors and they all doctored me for the Syph but I got no better. I have improved some since I began taking your tablets. The worst trouble is keeping my stomach in good shape. I am bad constipated and I want to know what would be the best for me to take for that.

I have got a good appetite and I want to know something about my eating. I want to know what kind of a diet is best for me.

I have taken three boxes of your tablets and am still taking them. Hoping to hear from you soon,

I remain,

Hard Pines, Oregon,
Nov. 20, 1917.

Dear Sirs:

I am sending two dollars for another box of Orchis extract. I see some improvements and the remedy is all you claim for it but I am so badly hurt that it is hard to get results but am agoing to keep trying is all one can do and hope for the best.

Yours Resfy,

Packers Product Co.

Dear Sirs:

You will find enclosed five dollars for which you send me three boxes of Orchis extract. It seems to be doing what you claimed for it, so will continue with the treatment.

Yours truly,

---

57 Decatur, Ill. 2-18-1918.

Packers Product Co.

Dear Sir:—

On the sixth of this month I sent you Two Dollars for a box of Orchis Extract, and I have never received it. I would like to know what is the matter. I sent you an Express Money Order. Now gentlemen I would rather have the medicine than the money for it has helped me wonderfully. Now please let me hear from you at once.

Yours respectfully,

Sault St. Marie, Mich.
Oct. 20th, 1917.

Packers Product Co.,
Chicago, Ill.

Gentlemen:—

Please find enclosed order for one box of Orchis Extract with $2.00 to pay for same. Now some two months ago or more I got one box but at that time I got a severe attack of Rheumatism so I did not take your medicine at that time but commenced to take it about three weeks ago. I have about one weeks medicine yet so I wish you to send it by return mail. I am satisfied that I have improved some.

Respectfully yours,

So. Bellingham, Wash.
7-9-17

Packers Product Co.
Dear Sirs:

I have been taking your product now for about 3 months and can say from experience it is the best nerve tonic on the market today. I am getting splendid results. But must say I was in a terrible run down condition and expect to take your treatment until I am fully satisfied that I have a complete and permanent cure. But what I want to say is this, that for
58 a period of over 3 years I have noticed my strength running away in my water, both at starting to urinate and after, and now at commining to urinate my strength will start to run off before the water comes like thick oil and of a light clear color and after it will run of stringy for a second or two. I was never aflicted in my life with any foul disease. But have run a locomotive for 25 year, am now 47 the first of September and know of no reason why I should be so aflicted but take it for granted it is long hours of hard work and having my spine bruised in railroad wrecks with two head on colisions and at no time in my life gave myself a thought but always worked hard for that almighty dollar.

Now then if you have anything at your command that will stop those drains mail it to me at once and in return I will forward your money to you by first Post. I have spent many dollars for this same thing without results.

Respectfully yours,

Silver City, Idaho, July 18, 1916

Packers Product Co.,
Chicago, Ill.
Gentlemen:—

Enclosed find 2.00 send me one box of Orchis Extract for weak men. I have taken one box and received good results. Send treatment in better box.

Yours respectfully,

Camp Point, Ill. Sept. 9-16.

Packers Product Co.
Chicago, Ill.
Dear Sirs:—

I am enclosing $5.00 for 3 box of "Orchis Extract". After reading your letter in reply to mine in regard to dis-

continuing the use of your remedy I was convinced that you were sincere and honest in your statement and at once commenced the use of the treatment again and have been benefitted thereby and want you to know it.

Yours truly,

---

59 Chippewa Falls, Wis. Mar 21-18.

Dear Sir:—

I am sending for another box of your extract. The boxes I got before helped me very much but I think I stopped using them too soon and this time I will use them until I feel alright.

Yours truly,

Stanhope, Susset Co. N. J. Feb. 10-18.

to the Packers Product.

Dear Sirs:—

I want to take some more of your Orchis Extract. I think it did me a great deal of good. Last Spring but on acct of taking phosphates and other things I could not tell which did me the most good but I know I had a hard time to get strength so I felt like myself untill June, but since that time I have felt very good. Now I want ward off that spring trouble so inclosed you will find two dollars for a box of your O. E.

Yours truly,

Ogdensburg, N. Y. March 19, 18.

Packers Product Co.,
San Diego Bldg.,
Chicago, Illinois.

Gentlemen:—

I am enclosing an order for another box of Orchis Extract. It has been of much benefit so far. I do not expect to over come several years trouble with two or three boxes of treatment, but I am willing to give it a good fair trial win or loose.

Very truly,

Somerville, N. J. 8/28/16

The Packers Product Co.
Chicago, Ill.

Gentlemen

Enclosed find check for $4.00 for which kindly send me as

before 2 packages of the Tonic Tablets. I find in taking them occasionally in double doses they are doing me a whole lot of good.

Very truly yours,

60

Kalamazoo, Mich.

Orchis Extract.

I have taken your medicine so far and it has given me wonderful results and I am feeling a whole lot better and will continue the same. Thanking you for your favors. I have tried so many of those remedies but this is the best yet. Will write more later on.

Very sincerely,

Deansboro, N. D. Mch 12, 1918.

Packers Product Co.
Gentlemen:

Inclosed you will find an order for one box extract. I am sending this in time, so that I will not run out of treatment.

I have been using the extract for some time, and, while I can see some improvement, it has not been as rapid as I could wish. However, I shall continue for a time in hopes that I shall receive more benefit in the future.

If you have any suggestion to off shall be pleased to receive them. How about the use of tobacco.

Yours respectfully,

Hartford, Conn. 11/30/17.

Packers Product Co.
Chicago, Ill.
Gentlemen:

Enclosed herewith please find check value $2.00, for which please forward me under Plain wrapper one box of your "Orchis Extract". I have found a slight improvement after using a little over 2/3 of first box, kindly mail at your earliest convenience,

Yours very truly,

---

61 Manteno, Ill. March 11th, 1918.

Packers Product Co

Gentlemen

Just a few lines in regard to your treatment while I think I am a long ways from being well I am not discurige with the treatment. I have now taken seven boxes of orc ext and feel a lot better, it is really the best Remedy I have ever tried after 37 years of suffering.

Yours

Dayton, O. 3/8-18.

Packers Product Co.

Sirs

I have taken one box of Orchis Extract and think it is doing some good and I want to try another. Please send as soon as possible as I am about out

Yours Resp

St. Louis, Mo. Jan. 9, 18.

Packers Product Co.

Chicago, Ill.

Gentlemen:

Enclosed please find $2.00 for 6 more boxes of Orchis Extract I have taken 3 boxes of your Orchis Extract and find it has don me some good I am feeling some better but the Organs are very weak and the erections feeble and at times have losses at stool but I am going to keep on taking the extract for some time longer as I think it has don fine so far and think it will do finer,

thanking you for your prompt attention I remain,

Yours respectfully,

After using the box of your medicine and feeling an improvement in my health I have decided to try another box—so please send same to

---

62 Beverly Kansas, Jan 2 1918.

Packers Product Co.

Chicago, Ill.

Dear Sirs,

I am sending for another months treatment of your Orchis extract.

I know there is a change for the better since taking this first months treatment. I have only enough for about 5 days yet.

Please give this your prompt attention,

Respectfully,

Montrose, Pa. Dec. 12, 1917.

Packers Product Co.

Gentlemen:

Am sending you my second order for Orchis Extract. I think I can discover an improvement in my condition since I commenc'd using.

Am hoping that 3 boxes more will please me.

Am 75 years old next week.

Respectfully yours,

Syracuse, N. Y. Dec. 9/17.

Packers Product Co.
Sandiego Building,
Chicago, Ill.

Gentlemen

inclosed find $2.00 two Dollars for which send me package of Orchis Extract it is the best thing I have tried so I think I will keep on a while longer if it continues helping me.

P. S. Please send as soon as possible and oblige.

Scioto, Ill. Octo 22 1917.

Dear Sir

i have used the three month treatment of Orchis Extract it has helped me so much that I am enclosing $5.00 for three more boxes.

Please send them at once to

Yours truly,

63

Lexington, Virginia, October 9, 1917.

Packers Product Company,
Chicago, Ill.

Dear Sirs

I received the pills you sent me sometime ago. They did me a good deal of good but I have been out for some time and

I feel that I am going back, so I am enclosing order for another thirty days treatment. I am a man of 68 years.

I feel that your remedy will do me good.

I remain yours truly

Sobieski, Wis. Sept 17-1917.

Packers Produce Co
San Diego Buld
Chicago Ill.

Gentlemen

I have taken all most one month treatment of your Orchis Extract I think it is helping me Please find inclosed P O Money Order for $2.00 for ont months more treatment of your Orchis Extract.

My back is some better Will write again if I see any change for the better.

Yours very truly

Gypsum City, Kansas, August 15-1917.

Dear Sir

Sent me &other box of you medeneson i uste 2 boxes & i think they help me some i will keep use them i think it will take time sent them write away i am out of them & i dont want to wait to long find $2.00

yours truly

Belleville, Kans July 27-17.

Dear Sirs

Inclosed please find money order for $2.00 for which please send me another months treatment of your Orchis Extract. I find that it has helped me considerable so I decided to send for some more.

Yours truly,

---

64 Santa Ana, Cal. 5-28-17.

to the Packers Product Co

Gentlemen

I am in receipt of your letter and will say in regards to my case that I am geting beter of the discharge sloley but their is a little yet, but I am not alarmed about it, think it will finley disappear. I got the Orchis Extract in Tablet form

through a Mr. Nelson, Wysner or Nelson, Norton, I dont just remember his name and he is out of town at present but he and I saw the advertisement and he sent and got I think the last order was either 3 or 4 boxes, in tablet form, when he comes in again I will get the corect name, but I am not uneasy about the discharge and will say that I am sure that the Orchis has done me good and as soon as the discharge disappears I will be alright I had the Gonorrhoea about 40 years ago, had forgotten all about that, but 6 or 8 years ago became week in those parts so much so that I was almost a failure in sectional intercourse, but am now beter in that respect and your medicen has done me good, no complaint to make in that regard.

Yours truly,

Gentlemen:

Enclosed find $4.00 for which please send me two more boxes of Orchis Extract and oblige. Before using your remedy I suffered from nightly losses, on an average of twice a week since I have taken 2 boxes of Orchis Extract it has made me feel like a new man. I feel sure 2 more boxes will give me a complete cure.

Blanchard, Okla. 3/5—1917.

Packers Product Co.

Please find enclosed Money Order to the Am't of $5.00 Five Dollars for which you will please send me three boxes Orchis Extract. Please send in as plane package as posible. I have used one box and feel that it helped me some.

Yours Respectfully,

65

Templeton, Aug 25-1917

Packers Product Co

Dear Sir—

Inclosed please find 200 dollars for 1 Box of your Orchis Extract.

I am a man 64 years old not married but like the girls, and your reanedy does me so much good that I do not want to do without them I do not nead to take them oftern as I am all right but they are the best tonick that I have ever used.

Yours

Stockton, Cal. August 20, '17

Packers Product Co.,
San Diego Building,
Chicago.

Enclosed find Check for $5.00 in payment for 3 Boxes Orchis Extract.

P. S.—My father has used the Extract for several years. He says it helps keep him up. He is a carpenter and does considerable work every day. He files his saws and sharpens all his tools, etc. He passed his 83rd birthday last month.

Packers Product Co Rock Springs, Texas.
San Diego Building, Ill.

Gentlemen

Inclose find exchange for five dollars, for which please send me two months treatment of your Orchis Extract. I got two months treatment of this Extract some time ago, and certainly did me a great deal of good. Put up package carefully as it has long ways to come

and oblige yours

66

Packers Product Co. Feb. 26th, 1917.
Chicago, Ill

Dear Sir's

In answer to your letter of Jan 19th will say that Packers Product has done me a world of good, and I want to ask you whether you have a massage balm for local treatment, I used to get a balm from Frederick Main but as he has gone out of business I am unable to get it any more, if you have nothing of the kind or know where I can get it I would be glad if you would let me know, Thanking You I am

Yours Resply

Seattle, Wash. Jan 11, 1918.

Packers Product Co.

Gentlemen

I have used one box of your remedy for sex weakness that extract of a ram.

It certainly delivers the goods. I enclose $2.00 for another box.

Respectfully,

Littig, Texas, December 3, 1917.

Packers Product Co.
Dear Sir

Please sind me one box of your extract C O D. I have been greatly benefitted with results and would be glad to act as agent.

Yours truly,

I am well satisfied with results of your treatment and will speak a good word to any one needing an honest treatment.

Yours Sincerely

67

Gloucester, Mass. July 17, 1917.

Packers Product Co.
Chicago, Ill.
Dear Sirs:—

Please send another box of your Orchis Extract. Enclosed please find ($2) two dollars for same. I have so far secured excellent results from the use of it.

Truly yours,

Cleveland, Ohio, March 8/18

Packers Product Co.
Chicago, Ill.
Gentlemen:—

Enclosed please find check for $5.00 (five dollars) for which please send me three more boxes of Orchis Extract. I havent taken any for some time, but I want to take them again. Am more than satisfied from the benefits that I have received from their use.

Thanking you in advance,

Yours very truly

Toledo, Feb 25—1918.

Packers Product Co.
Chicago, Ill.

I sent for a box of your greatest known treatment for weak men. I have used it all and find that it is just what I need. I send you ($5.00) five dollars for three boxes. Please send by return mail and wrap and tie securely.

Yours truly,

Jan. 20, 1918.

Packers Product Co.
Chicago, Ill.
Dear Sirs

Please find enclosed check for $5.00 for which mail to me at Hotel Clark, Los Angeles, Calif, three boxes of your Orchis Extract, by return mail.

I have already used three boxes which have done me a
68 great deal of good.

and oblige your truly

Woodville, Mich. 2-7-17.

Packers Product Co.
Dear Sirs

i am sending for some more of your extract i think it is helping me and i think i will try about 3 months treetment this time.

i am felling better than i have for years for 16 years havent cut my own wood till this winter

yours truly

Emerson, Nebraska, Feb. 26, 1917.

Packers Product Co.
Chicago, Ill.
Gents

Enclosed find ck for $2.00 and order for one box Orchis Ex. Your remedy seems to do me much good.

Respy

Pensacola, Fla. July 10—1917.

Packers Product Co.
San Diego Building,
Chicago, Ill.
Dear Sir:—

Enclose with a money order $2.00. Please send by mail one box of Orchis Extract which is one month treatment. Dear Sir. I am very much pleased with the results and I feel stronger, thank you for past favors.

yours truly

York Corner, Maine Jan. 25—18.

Packers Product Co.
Dear Sirs:

Your Orchis Extract treatment which I have been using has done me so much good that I have made up my mind to
69 continue useing it for some time and I have ordered from you today three boxes so as to have some on hand. I enclose a money order to pay for them and ask you to please send them as soon as possible so I will get them before my other box is all used up. I received my last box all right and thank you for same. They reached me in plenty of time so I did not get out of treatment. I also received your last letter and I note carefully its contents. I will say that I am glad that you called my attention to your wonderful remedy and thank you for same. I remain

Yours truly,

Sept. 19th, 1916.

Packers Product Co.
Dear Sirs:

Please send me another box of your Orchis Extract. In regard to your letter which you sent me when you sent me my second order of medicine would say that I am not very bad but just need a little help & your medicine helps me fine when I need it. Thanking you for the interest that you take in my case, I am as ever

---

Ellwood City—Pa. Dec. 17th, 1917.

The Packers Product Co.
Chicago, Ill.
Gentlemen:

Inclosed find P. O. for Five Dollars $5.00 for which please send me at your earliest opportunity Three Boxes of Orchis Extract. This is the 4th order I have sent you each for three boxes. I will say that I have had great benefit since I commenced using them, before commencing using them I lost a deal of work with a tired run down feeling. Since I have taken Orchis Extract I dont feel this tired feeling and have not lost a days work for months. I am sixty years old next month—I remain yours truly

---

70 Middle Branch, O. June 21—17.

Packers Product Co.
Chicago, Ill.

I am pleased to report favorably of the use of Orchis Extract. I have been taking it for 19 days and find a good improvement in my condition. I am enclosing an order for 3 boxes. The loss in the package sent me was 24 tablets. I believe your count was correct and the box was broken in the mail bag. When I received the package before I opened it in turning it over two tablets dropped out on the floor.

Respectfully,

Amiston, Ala. May 30, 1917.

To Packers Product Co.
San Diego Bldg.,
Chicago, Ill.

Gent

Enclosed please find my check for $3.00, Three Dollars, for which please send two boxes of your valued treatment. I have been greatly benefitted and think I am nearly well but want to continue treatment until finally cured. Your valued is worth all other treatments I have used and I do thank you for placing such a valuable remedy in the reach of the suffering humanity. I will write you fully when I demonstrate its good effects. With best wishes I am ever your friend for ever

Respectfully

Ft. Oglethorpe, Ga. May 24/17.

Gentlemen:—

Inclosed please find five doilars for which please send me 4 boxes of your Orchis Extract. Gentlemen you said you would send 4 boxes with my next order. I am very much pleased with the extract.

I remain yours truly,

Packers Product Co. Altona, Pa. May 14, 1917.

Gents

Enclose find $2.00 for which send me another box of Orchis Extract. I have taken one box and am pleased with results.

Yours Respy.

---

71 Hamilton, Ont. Jan. 29, 1918.

Packers Product Co.
San Diego Building,
Chicago, Ill.

Dear Sir:—

Enclosed find express money order for $5.00 and in return send me 3 boxes of your Orchis Extract in %Grand Central Hotel, St. Catharines, Ontario.

I will be in St. Catharines in a few days and expect to stop there a few weeks.

I think this order will fix me up fine and then I will write you. It is a honest remedy.

Columbus, Ga. Jan. 10—1917.

Packers Product Co.

You will find inclosed $2.00 for witch please send me one box 30 days treatment Orchis extract.

I have just finish a 30 days treatment & it has helped me wonderfully.

res

Brush, Colo. 8/29/1916/

Packers Product Co.
Chicago, Ills.

Gentlemen

Please find Post money order $2.00 send me one box Orchis Extract by mail. I am gaining every week and hope be cured soon.

truly yours

Baltimore Md Oct 6th, 1916.

Packers Product Co.
Chicago, Ill.

Gentlemen:—

In compliance with your request beg to advise that there is apparently considerable improvement in my condition. If the ratio of improvement is continued, believe that six
72 months treatment in all—am now starting third month—will effect a complete cure and give me the benefit desired. There is only one question at this time—that is—How about the after effects? Have you reason to believe after stopping the treatment there will be no reaction—provided of

course the patient is temperate etc. Do you know that the effects of your treatment will be lasting?

Awaiting your reply, I remain,

Very truly yours,

Allentown, Pa. Feb. 5, 1917.

Packers Product Co.
San Diego Bldg.
Chicago, Ill.

Gentlemen—

Find enclosed check for $2.00 or Two Dollars, for which send me one box of Orchis extract, I am getting along fine.

Very respectfully,

Holland, Mich. Nov. 22, 1917.

Packers Product Co.

Dear Sirs:

I have moved from Portage Mich. I am now in Hope College and your treatment has helped me wonderful. I am inclosing 1.00 for another box or my 3rd box of Orchis Extract. I think if I take about 3 more boxes it will help me enough but if not I will continue. Hope to here from you as soon as possible because I have only a few tablets left.

Yours truly

Samoa, Calif. April 3—1917.

Packers Product Co.

Dear Sirs:

Enclosed find $5.00 for another 3 boxes of Orchis Extract. Aside from the ailments it is recommended for, I find it very beneficial in increasing weight. This along I consider worth it using for. It has also proved satisfactory in what its prescribed for.

Yours very resp.

---

73 Waterville, Me. Sept. 19—1916.

Packers Product Co.
Chicago, Ill.

Gentlemen:

You will find enclosed order also exp mo O for some more of your Orchis Extract. I still find them a good thing and

shall follow it up for a while yet as I am feeling better than have felt for a long time.

Yours truly

Portville N. Y. Apr. 4th, 1917.

Packers Product Co.
Gentlemen.

I have now used your remedy about 7 weeks and I am glad to say that I am improving slowly. Erections are better and I am feeling better generaly, so think it safe to keep on with the treatment and I am sending you another order. Thanking you for your interest in my case, I am

Yours very truly,

Cleveland, Wis. March 20, 17.

Dear Sirs:

I am feeling pretty well and am getting along fine.

I am only taking the Extract to build up my testicles which are not quite normal size .They have grown harder and a little bit larger. If you think they will be brought to normal size by using the Orchis Extract then please tell me about the effect it produces.

Yours sincerely,

---

74 Vallejo, March 23, 1917.

Dear Sir:—

I remit to you today $2.00 for another box of your Orchis Extract. Your remedy has made some change in my case and some troubles are not so bad as they was before taking your treatment. You state that while taking your remedy that the Bowels should be well regulated. Will you please let me know how to regulate them if possible.

Yours Repect.

Arbo, Miss. 3/9/17.

Packers Product Co.
Dear Sir:—

Inclosed please find order for two dollars for another box of your tablets.

I have taken nearly 2 boxes of them. I will say I can feel a change very distinctly. I feel like trying a little further. I

have taken so much heretofore that I did not have much confidence in the beginning but I can feel a change now. Will ask you will those tablets do my wife any good for paralysis of her hands and

75 (Endorsed) Filed Aug. 20—1919, John H. R. Jamar, Clerk.

76 EXHIBIT K.

POST OFFICE DEPARTMENT.

In the Matter of Charges that the Packers Product Company, at San Diego Building and 311 River Street, Chicago, Illinois, is engaged in conducting a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, in violation of Sections 3929 and 4041 of the Revised Statutes, as amended.

MEMORANDUM
Recommiag the issuance of a citation to show cause why a supplemental fraud order should not be issued against the ORGANO PRODUCT COMPANY, at 11 West Randolph street, Chicago, Illinois.

Washington, D. C. Tuesday, May 20, 1919.

The above entitled matter came on for heading before The Acting Solicitor, J. J. Southerland, Esq., at 10 o'clock a. m.

Present on behalf of the Post Office Department:

John A. Nash, Esq., and F. W. Cox, Esq.

Present on behalf of the Respondent:

Lee D. Mathias, Esq., of Mathias & Sullivan, Chicago, Illinois.

Mr. Cox: If the Court please, this is the case of the Packers Product Campany, at San Diego Building, and 311 River Street, Chicago, Illinois. The citation is a little unusual by reason of the fact that heretofore a fraud order was issued against the Packers Product Company, and the same people went ahead under another name. The usual practice of the Department is, when it is found that they are evading the

77 effect of the fraud order, to issue a supplemental order without issuing a citation, but in this case we issued a citation, asking for the issuance of a supplemental fraud order.

The citation, which will be marked "Government Exhibit No. 1", omitting the caption, reads as follows:

"It is charged that one Fred A. Leach, who conducted the business done in pursuance of a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, under the name Packers Product Company, at San Diego Building and 311 River Street, Chicago, Illinois, against which name a fraud order was issued on the 4th day of April, 1918, is conducting the same scheme under the name Organo Product Company; which said scheme is in substance and effect as follows:

"By means of representations and promises contained in booklets, circulars, letters and other printed and written matter sent through the mails, said party, doing business as aforesaid, is obtaining remittances of money from various persons through the mails in payment for a preparation formerly sold by the Packers Product Company herein under the name 'Orchis Extract', and now known and sold by him under the name Organo Product Company herein as 'Organo Tablets', by leading such persons to believe that by the use of said preparation lost manhood can be restored irrespective of the cause of the trouble or the condition of the patient;

whereas, in truth and in fact, as said party well knows,
78 the use of said preparation will not bring about said result, but the said party so represents for the sole purpose of obtaining the aforesaid remittances.

"I therefore recommend that said party be called upon to show cause why a supplemental fraud order should not be issued against the Organa Product Company, at 11 West Randolph Street, Chicago, Illinois.

(Signed) "FLEET W. COX,
"Assistant Attorney."

"To the Solicitor for the Post Office Department."

I offer in evidence, as "Government Exhibit No. 2", the return of the Postmaster, W. B. Carlile, of Chicago, under date of April 25, 1919.

Now is the time, Mr. Mathias, if you so desire, to offer your answer. Give it an exhibit number and read it to the Court.

Mr. Mathias: Before I offer that I want to say that the return of the Postmaster contains an error with respect to Dr. J. J. Gill. He has not a part ownership in this Company, nor is he interested in it directly or indirectly. He happens to practice medicine and has his office on the same

floor of the same building in which the Organo Product Company transacts its business.

Mr. Cox: But I suppose the delivery of the memorandum and citation is admitted?

Mr. Mathias: The delivery of the memorandum and citation is admitted. On behalf of the Organo Product Com-
79 pany, I wish to read the answer.

(The answer of the Respondent, which was marked "Respondent's Exhibit No. 1", was thereupon read by Mr. Mathias.)

Mr. Mathias: Attached to the answer of the Respondent is the advertising matter. Do you want me to read that?

Acting Solicitor Southerland: Unless Mr. Cox is going to read it.

Mr. Cox: It will save time probably by going right ahead, make it a part of your answer, Mr. Mathias.

(Mr. Mathias thereupon read the advertising matter attached to Respondent's Exhibit No. 1;" the pamphlets, "The Rising Curtain", and "Are you 100% Efficient", the latter being the pamplhet now in use by the Respondent being compared with the old pamphlet "The Rising Curtain.")

Mr. Cox: The contention is that in the book known as "Are You 100% Efficient" he makes substantially the same representations which are made in the pamphlet entitled "The Rising Curtain".

Mr. Mathias: This (Referring to the pamphlet entitled "Are you 100% Efficient") is the new book.

Acting Solicitor Southerland: Revised from the old pamphlet, is it not?

Mr. Mathias: Yes.

Mr. Cox: I offer in evidence as "Government Exhibit No. 3", the pamphlet entitled "The Rising Curtain"; as Government Exhibit No. 4" the pamphlet entitled "Are you 100% Efficient", and as "Government Exhibit No. 5" the first form letter. I also offer as "Government Exhibit No. 6" the order blank, as "Government Exhibit No. 7" the testimonials,
80 and as "Government Exhibit No. 8" the form letter of the Organo Product Company which is attached to the answer of the Respondent.

I also offer in evidence, in order that the record may be kept straight, a copy of the memorandum of the opinion of Judge Baker of the United States District Court for the

Northern District of Illinois, Eastern Division, which will be marked "Government Exhibit No. 9."

We also want to put in the answer of the Postmaster William B. Carlile of Chicago to the action brought in the Court there by this Respondent, which will be marked "Government Exhibit No. 10."

I also offer the deposition of Dr. Edward H. Reede, as "Government Exhibit No. 11."

Mr. Mathias: May it please the Court, I want to object to the deposition of Dr. Reede, going in evidence because I had not any opportunity to cross examine him. I do not believe it would be competent evidence in an ordinary legal procedure.

Acting Solicitor Southerland: Well, your objection would be well taken if we could comply with the rules of evidence in every case, but the fact of the matter is in enforcing this law we have no machinery to summon witnesses or to swear witnesses, nor have we any appropriation out of which we could pay witnesses' compensation for attendance, in view of which it is impossible to get desirable expert testimony in some cases. However, in view of the fact that the Statute provides that the Postmaster General may upon evidence satisfactory to him that any person or concern is engaged in conducting a fraudulent scheme—the rule in these cases to accept such evidence as may be presented, both by the Government and by the respondent, for what it may be worth, and to apply the rules of evidence to it as nearly as we can in considering the weight which shall be given the evidence.

81

Mr. Mathias: All right.

Acting Solicitor Southerland: On both sides the rule applies the same way, that is, it applies in the same way to evidence presented by the Government and that represented by the respondent. We have to do the best we can under the circumstances, and get the best evidence that is available.

Mr. Cox: I want also to offer, as "Government Exhibit No. 12", the memorandum of facts in the Packers Product Company of Sandiego Building and 311 River Street, Chicago, Illinois, under date of March 28, 1918.

Mr. Mathias: What is that memorandum?

Mr. Cox: That is the memorandum of facts upon which the fraud order was issued in the Packers Product Company case. I also offer in evidence the fraud order issued by the Postmaster General in the Packers Product Company case,

under date of April 4, 1918, with the understanding that the memorandum setting forth the facts in that case and the fraud order itself may be retained for our files and not be sent with this case to the Chief Inspector when it has to go there. The fraud order will be marked "Government Exhibit No. 13."

82 Acting Solicitor Southerland: Why not have them copy it into the record? Then Mr. Mathias will have a copy of them.

Mr. Mathias: You can copy them into the record.

(Government Exhibits Nos. 12 and 13 are copied into the record in full as follows:

EXHIBIT 12.

"POST OFFICE DEPARTMENT
Office of Solicitor
Washington

March 28, 1918.

In the matter of Charges that the Packers Product Company at San Diego Building, and 311 River Street, Chicago, Illinois, is engaged in conducting a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, in violation of Section 3929 and 4041 of the Revised Statutes, as amended.	Memorandum for the Postmaster General Recommending the issuance of a fraud order.

"On December 17, 1917, one Fred A. Leach, who conducts the business done under the above name, was duly called upon to show cause why a fraud order should not be issued against said name, and January 10, 1918, was fixed as the date for the hearing. Upon application of the attorney for the respondent the case was continued to January 14th. On January 11th a written answer, verified by the affidavit of the respondent, was submitted by his counsel, Frank H. Repeto, Esq., of Chicago, Illinois, accompanied by exhibits marked respectively, A. B and C. Careful consideration has been

83 given to this answer and these exhibits, as well as to all

evidence adduced by the Government; and I find the facts to be as follows:

"The business complained of consists of the sale of a preparation known as 'Orchis Extract' by means of representations made through the mail in furtherance of a scheme to defraud. Fred A. Leach is the promoter of this scheme and operates it under the name Packer Product Company. This trade name was obviously selected and is continuously used for the purpose of leading persons to believe that they are dealing with a responsible concern engaged in the meat packing business and utilizing one of its by-products in the alleged manufacture of the aforesaid preparation which is offered to the public as a curative agent in cases of lost sexual power and kindred ailments. This purpose is clearly evidenced (1) by the name itself and (2) by the print of buildings and pens enclosing cattle on the back cover of the booklet and upon the form letters disrtibuted to the public through the mails and carrying representations hereinafter referred to concerning the alleged curative properties of said preparation. The name "Packers Product Company" is misleading for the reasons above set forth. and the words 'manufacturers of Orchis Extract' are false, for the evidence shows that this respondent is not a manufacturer of this extract but the remedy sold by him and alleged to contain this substance is purchased by respondent from various manufacturing chemists. The print thus used with intention to mislead and thereby induce persons to purchase the preparation represents in fact some
84 of the packing house buildings and slaughter pens of Armour and Company, at Chicago, Illinois, in which this respondent has no interest and from which he buys none of the ingredients used in the compounding of the said preparation. 'Orchis Extract' is said to be a substance obtained from the testicles of rams. A chemical analysis made by the Bureau of Chemistry of the Department of Agriculture shows the Orchis Extract Tablets, the preparation sold by respondent, consists of sugar of milk, orchitic animal tissue, and agents used in compressing the tablets. The preparation compounded from this substance is sold by respondent under representations the most typical of which are as follows:

"The Science of Medicine and Chemistry long sought to relieve this pitiable condition, realizing that the old remedies and stimulants used at that time were inadequate to rehabilitate the depleted system.

under date of April 4, 1918, with the understanding that the memorandum setting forth the facts in that case and the fraud order itself may be retained for our files and not be sent with this case to the Chief Inspector when it has to go there. The fraud order will be marked "Government Exhibit No. 13."

82 Acting Solicitor Southerland: Why not have them copy it into the record? Then Mr. Mathias will have a copy of them.

Mr. Mathias: You can copy them into the record.

(Government Exhibits Nos. 12 and 13 are copied into the record in full as follows:

EXHIBIT 12.

"POST OFFICE DEPARTMENT
Office of Solicitor
Washington

March 28, 1918.

In the matter of Charges that the Packers Product Company at San Diego Building, and 311 River Street, Chicago, Illinois, is engaged in conducting a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, in violation of Section 3929 and 4041 of the Revised Statutes, as amended.	Memorandum for the Postmaster General Recommending the issuance of a fraud order.

"On December 17, 1917, one Fred A. Leach, who conducts the business done under the above name, was duly called upon to show cause why a fraud order should not be issued against said name, and January 10, 1918, was fixed as the date for the hearing. Upon application of the attorney for the respondent the case was continued to January 14th. On January 11th a written answer, verified by the affidavit of the respondent, was submitted by his counsel, Frank H. Repeto, Esq., of Chicago, Illinois, accompanied by exhibits marked respectively, A. B and C. Careful consideration has been

83 given to this answer and these exhibits, as well as to all

evidence adduced by the Government; and I find the facts to be as follows:

"The business complained of consists of the sale of a preparation known as 'Orchis Extract' by means of representations made through the mails in furtherance of a scheme to defraud. Fred A. Leach is the promoter of this scheme and operates it under the name Packer Product Company. This trade name was obviously selected and is continuously used for the purpose of leading persons to believe that they are dealing with a responsible concern engaged in the meat packing business and utilizing one of its by-products in the alleged manufacture of the aforesaid preparation which is offered to the public as a curative agent in cases of lost sexual power and kindred ailments. This purpose is clearly evidenced (1) by the name itself and (2) by the print of buildings and pens enclosing cattle on the back cover of the booklet and upon the form letters disrtibuted to the public through the mails and carrying representations hereinafter referred to concerning the alleged curative properties of said preparation. The name "Packers Product Company" is misleading for the reasons above set forth. and the words 'manufacturers of Orchis Extract' are false, for the evidence shows that this respondent is not a manufacturer of this extract but the remedy sold by him and alleged to contain this substance is purchased by respondent from various manufacturing chemists. The print thus used with intention to mislead and thereby induce persons to purchase the preparation represents in fact some
84 of the packing house buildings and slaughter pens of Armour and Company, at Chicago, Illinois, in which this respondent has no interest and from which he buys none of the ingredients used in the compounding of the said preparation. 'Orchis Extract' is said to be a substance obtained from the testicles of rams. A chemical analysis made by the Bureau of Chemistry of the Department of Agriculture shows the Orchis Extract Tablets, the preparation sold by respondent, consists of sugar of milk, orchitic animal tissue, and agents used in compressing the tablets. The preparation compounded from this substance is sold by respondent under representations the most typical of which are as follows:

"The Science of Medicine and Chemistry long sought to relieve this pitiable condition, realizing that the old remedies and stimulants used at that time were inadequate to rehabilitate the depleted system.

"The great problem that confronted these men of science and chemistry was to find a remedy or substance that could be easily absorbed by the gastric juices of the stomach and in no way be injurious to the stomach.

"After exhaustive study and costly experiments they at last found that from certain secretis of the testes of the ram they could obtain a substance which could be readily absorbed, without injury, resulting in replenishing the exhausted organs and nerve cells supplying the Sexual Organs and Prostate Glands with new life.

"Through the discovery and perfection of this substance which became known as Orchis Extract, the science of
85 medicine and chemistry was able to supply and offer to all men afflicted with Nervo Sexual troubles, such as Lost Manhood, Nervous Debility, Nervous Decline or Exhaustion, Lack of Power of the Reproductive Organs and Atrophy of the parts a true life-giving substance that positively will reestablish the functions of the nervous system and organs that depend upon these nerves to properly perform their functions.

"It has practically revolutionized the treatment in vogue since the time of Hippocrates, 2000 years ago, consisting of aphrodisiac stimulants. Every country had its favorite remedy, and in their time opium, muck, cantharrides amber, cannabis indica, cocaine, vohimbin, phosphorus, nux vomica, damiana, saw palmetto, muirapuama, hoang nan, etc., have been popular; but none of these drugs possess any value whatever in sexual debility, because they do not influence the circulation and nutrition of the organs, as Archis Extract does, not by operating upon the organs themselves, but upon the nerve center controlling them. Without such action, restoration of their functions is impossible.

"Composition and Mode of Action.—The chief ingredients of this truly Wonderful Compound are those elements found in the Brain, Spinal cord and Orchitic Glands of the Ram, extracted, filtered under pressure, sterilized and combined with nerve and brain tonics, forming a powerful tonic which is readily absorbed by the stomach and conveyed directly to the nerve centers which supply the generative organs.

"Its constituents are the natural brain and nerve foods which support life and supply nervous vigor; when these
86 substances are drained from the blood by wrong living, vicious habits and excesses of various kinds, the Orchis Extract not only restores them, but reconstructs the cells of

the organs that have been robbed of their natural pabulum. Although not regularly on the market, it has been used by physicians since 1896, and pronounced the only remedy for nervous debility and kindred ailments of men worthy of the name.

"Animal Theraphy, although comparatively new, is now acknowledged as the natural, physiological cure for a class of ailments heretofore monopolized by 'Weak Men', and 'Lost Manhood Restored' advertising fakes and quacks, in which no other remedy has proved successful. Its advent into practical medicine is the death knell of these frauds, because it actually does what they merely claim to do, but as every sufferer who has ever tried them knows, never accomplish.

"In placing this extract in your hands we are not attempting in any way to misrepresent to you what this product is, neither are we attempting to try and impress on your minds that this extract was discovered by some supposed Chinese, Turkish, Hindoo or some Indiana Medicine Man. But on the other hand we frankly tell you that this product and wonderful remedy which has been known to the medical profession only and has been used by the most celebrated physicians both of this country and Europe with wonderful success is being compounded in the laboratory of one of the largest and best equipped Packing Concerns in the world operated and managed by the most competent and skillful chemists that can be found. This itself should convince the most skeptical
87 person or persons that the remedy we are calling your attention to, is absolutely harmless and reliable, and furthermore, this laboratory is at the present time supplying more physicians with genuine lymph products than the combined laboratories of the country.

"The better class of physicians are more inclined to turn a listening ear to complaints which involve the reproductive organs.

"Treatment directed toward improving this condition looks also to improvement of the general condition, and conversely, general tonic treatment reacts favorably upon the reproductive system. Experiments of physicians along this line have repeatedly disclosed this double action, produced by Orchis Extract. It has a specific influence upon the genito-urinary organs, but its general action is that of a powerful rebuilder and rejuvenator to the whole organism. Its effect upon the nervous system is marked, and remedies which favor-

ably influence the great organ of life are regarded by physicians as the most useful they have.

"Pre-senility, or premature old age, is a condition which can in most cases be relieved by a careful and conscientious treatment of Orchis Extract.

"Orchis Extract has a special action on the glands of the reproductive organs.

"Its action is that of a great vitalizer—tending to increase their activity, to aid their secretory functions and promote the normal development. It is specifically indicated in cases of atrophy of the private organ so common in cases of sexual abuses. Orchis Extract operates in a most remarkable
88 manner in overcoming these conditions.

"Orchis Extract, when introduced into the blood, should bring about a richer supply of blood so that the cold and shrunken parts of the mody must return to vigor and vitality; ambition will be restored by stronger and healthier nerve tissues and muscles, and relief or a cure is sure to follow:

"Do Not Let False Pride Stop You From Being Cured.

"Whatever may be the cause of the weakness the timely use of Orchis Extract for a reasonable length of time, seldom fails in stimulating the functions of the body, bringing about tissue repair, so that those parts that are weak, are strengthened and restored to their normal condition.

"What can be a more sensible form of health insurance, what a greater preventive of weakness, sickness and disease, what a more rational remedy in the case of weaknesses peculiar to men, than the use of Orchis Extract.

"The Only Logical Remedy.

"Weakness and ill health may be due to many causes, a torpid liver, inflamed kidneys, jaded nerves, etc. A man may be reasonably certain that it is this or that function that is at fault. But never can we be absolutely certain, beyond all question of mistake, for no one is endowed with X-ray sight. We cannot look into our bodies and see the organs work, therefore at times it is even difficult for a doctor to apply the correct treatment, unless it be a logical remedy, such as Orchis Extract.

89. "Orchis Extract is a reliable compound for restoring lost vitality, renewing cell life, resulting in restoring life, strength and development to the organs of man.

"Orchis Extract is being successfully used in cases of Nervo-Sexual Troubles, such as Nervous Debility, Lost Man-

hood, Night losses, and Undeveloped Parts. It is for the weak man, for the debilitated man, for every man who needs a reliable remedy to renew his life and vitality, enrich the blood, tone up the stomach and aid digestion, to soothe the nerves, to overcome vital exhaustion, to stimulate the liver and kidneys and to send new energy and new sustenance to every cell and tissue of the body. To nourish the brain, strengthen the memory and to renew life with health and strength.

"Orchis Extract

is sold at the following prices:

1 box $2.00
3 boxes 5.00

Remember, Orchis Extract is put up in tablet form, which is convenient to carry and can be taken at any time and in any place. Shipped by mail, prepaid, in absolutely plain package.

Remittances can be made in form of Postoffice or Express Money Orders, or Bank Draft.

Address all letters and make all remittances payable to

Packers Product Co.
Not Inc.
San Diego Bldg., Chicago, Illinois.

90 "These and other representations are made by respondent, who is not a physician and is not familiar with the scientific treatment of disease or diseased conditions. It was formerly thought by some medical writers that the substance known as Orchis Extract possessed some virtue as a remedy when given internally in cases of nervous disorders, but recently this idea has been abandoned and its use practically discontinued—it having been found after faithful experimentation covering a number of years to be without value in such cases when used in this way. When hypodermically administered it is said to have, by way of suggestion, some beneficial effect. In the face of these facts respondent sells it to the public through the mails as a standard remedy for the relief and cure of the condition popularly known as 'Lost Manhood', and other nervous conditions of a kindred nature. The evidence shows that the diseases and diseased conditions for which this remedy is recommended cannot be relieved or cured by its use; that the remedy taken internally can have no effect whatever upon such diseases and diseased conditions, and that it is of no value in their treatment; that the condition known as 'Lost Manhood' may arise from various

causes, and that no one remedy even if assumed to possess medicinal virtue could reach all of these various causes and relieve and cure the conditions arising therefrom; and that respondent unskilled in the science and practice of medicine cannot determine the condition from which the patron may be suffering or its superinducing cause, and cannot unless by accident furnish a remedy that will give relief,
91 and effect a cure.

"Fred A. Leach, the promoter of this scheme, has been in the mail order business for from 15 to 20 hears. The evidence shows that he was manager of the Distributors Guarantee Association, against which a fraud order was issued May 8, 1908; that he sold vacuum developers for the enlargement of the male organ under the name of the Vacuum System and David Kuno, Chicago, Illinois; that he also operated under the name of the Austin System and E. D. Austin, Chicago, handling vacuum developers, and that in 1912 and 1913 he sold vacuum developers under the name of Martin W. Wade, and Wade Manufacturing Company, Chicago, Illinois.

"The respondent requests that he be allowed to continue the business in question using revised literature, and has indicated the revison intended by striking out certain parts of the literature now in use. Since the testimony shows that the preparation is of practically no value in the treatment of the disease and conditions for which it is recommended, this request must be denied.

"The postmaster at Chicago, Illinois reports that on an average 15 pieces of mail are daily received at his office addressed to this concern.

"I find that this is a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, and therefore recommend that a fraud order be issued against the Packers Product Com-
92 pany, at San Diego Building and 311 River Street, Chicago, Illinois.

(Signed) "W. H. LAMAR,
Solicitor."

EXHIBIT 13.

"POST OFFICE DEPARTMENT
Washington

"April 4, 1918

"Order No. 1280

"It having been made to appear to the Postmaster General, upon evidence satisfactory to him that the Packers Product Company, at San Diego Building and 311 River Street, Chicago, Illinois, is engaged in conducting a scheme or device for obtaining money through the mails by means of false and fraudulent pretenses, representations, and promises, in violation of the act of Congress entitled 'An Act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes,' approved September 19, 1890, said evidence being more fully described in the memorandum of the Solicitor for the Post Office Department of the date of March 28, 1918, and by authority vested in the Postmaster General in said act, and by the act of Congress entitled 'An act for the suppression of lottery traffic through international and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States', approved March 2, 1895, the Postmaster General hereby forbids you to pay any Postal Money Orders drawn to the order of said concern
93 and you are hereby directed to inform the remitter of any such postal money order that payment thereof has been forbidden, and that the amount thereof will be returned upon the presentation of the original order or a duplicate thereof applied for and obtained under the regulations of the Department.

"And you are hereby instructed to return all letters, whether registered or not, and other mail matter which shall arrive at your office directed to the said concern to the Postmasters at the offices at which they were originally mailed, to be delivered to the senders thereof, with the words 'Fraudulent: Mail to this address returned by order of Postmaster General' plainly written or stamped upon the outside of such letter or matter. Where there is nothing to indicate who are the senders of letters not registered or other matter, you are directed to send such letters and matter to the Division of Dead Letters with the words 'Fraudulent: Mail to this address returned by order of the Postmaster General' plainly

written or stamped thereon, to be disposed of as other dead matter under the laws and regulations applicable thereto.

(Signed) "A. S. BURLESON
Postmaster General.

"To the Postmaster,
Chicago, Illinois.
(Case No. 51082-E)"

Mr. Cox: I offer as "Government Exhibit No. 14" the file which will be known as "H. E. Prentice file of Cleveland, Oklahoma", and the letter from H. E. Prentice, dated Cleveland, Oklahoma, April 21, 1918, will be marked
94 "Government Exhibit No. 14-A". With that letter is submitted the form letter which has already been introduced in evidence, and the testimonials which have been introduced in evidence, as well as the order blank and return envelope.

I offer as "Government Exhibit No. 15" which carries with it a letter on the letterhead of the Northern Connecticut Light and Power Company, and which is signed by Walter Schwabe, 79 Enfield Street, Thompsonville, Connecticut, the letter reading as follows:

"April 1, 1919.

"POST OFFICE DEPARTMENT, UNITED STATES OF AMERICA,
Washington, D. C.

"Dear Sirs:

Please advise if enclosed is fraudulent. The matter looks just like that sent out by the Packers Product Company, Chicago, Ill., on Orchis Extract Tablets, pronounced fraudulent by your Department."

With that letter are the various pieces of literature which have been introduced in evidence, namely, "Are you 100% Efficient", the first form letter, the testimonials, the order blank and the second form letter, as well as the return envelope.

The letter of Mr. Schwab, which I have just read, will be marked "Government Exhibit 15-A", and the other literature which I have called attention to will go in unmarked.

I think, so far as I can see now, we are through with the documentary evidence in this case. We will have some ex-

pert testimony to offer in the morning. We cannot go
95 ahead on that line this afternoon. If Mr. Mathias has any documentary evidence that he desires to put in, I think we would save time by going ahead until the closing hour on that, if he is willing to go ahead under those circumstances.

Mr. Mathias: Certainly. I want to offer as "Respondent's Exhibit No. 2", an affidavit of James L. Church D. M., which reads as follows:

"State of Illinois }
County of Cook } ss

JAMES L. CHURCH, being first duly sworn deposes and says that he is a licensed physician and surgeon practising in the City of Chicago, Illinois, that he has been engaged in the practice of medicine and surgery since 1905, that he has read the attached booklet, the same being an advertisement of Orango Tablets, and that in his opinion the matters and things stated in said booklet are true in substance and in fact.

(Signed) JAMES L. CHURCH, M. D.

"Subscribed and sworn to before me this 17th day of May, A. D. 1919.

LOUIS J. VICTOR
(Seal) *Notary Public.*"

Mr. Mathias: Attached to that exhibit is the booklet "Are you 100% Efficient."

I offer another affidavit of Dr. Church, which will be marked "Respondent's Exhibit No. 3", and which reads as follows:

96 "State of Illinois }
County of Cook } ss

"JAMES L. CHURCH, being first duly sworn deposes and says that he is a licensed physician and surgeon residing in the City of Chicago, Illinois; that he has been engaged in practising medicine since 1905; that he is familiar with the standard works of the subject of materia medica and therapeutics; that the standard works on said subject recognize orchitic substance as a useful and effective remedy in the treatment of nervous disorders and sexual weakness and that

affiant is of the opinion that orchitic substance is a useful and effective remedy for nervous disorders and sexual weakness.

"And further affiant saith not.

(Signed) JAMES L. CHURCH, M. D.

"Subscribed and sworn to before me this 17th day of May, A. D. 1919.

LOUIS J. VICTOR
(Seal) *Notary Public*"

Mr. Cox: Are you able to tell us, Mr. Mathias, without having your client put on the stand, the circumstances under which those affidavits were obtained?

Mr. Mathias: I took one of those booklets to Dr. Church and had him read it. I asked him if it was substantially true and he said it was. Then I asked him if he would make an affidavit and he said he would. I went back to my office and prepared an affidavit and took it to him and had him swear to it.

Mr. Cox: Was there any compensation given to him 97 for that?

Mr. Mathias: None whatever.

Acting Solicitor Southerland: Was there any compensation agreed to be given him?

Mr. Mathias: None whatever.

Acting Solicitor Southerland: Well, what was his motive in making such an affidavit?

Mr. Mathias: The only motive he had was to tell the truth. He has no interest in this case one way or the other.

Acting Solicitor Southerland: Is he a friend of or acquainted with the respondent Leach?

Mr. Mathias: Yes sir.

Mr. Cox: Is he a general practitioner in the City of Chicago?

Mr. Mathias: Yes sir.

Mr. Cox: Is he connected in any way with any mail order business?

Mr. Mathias: No sir.

Mr. Cox: Is he a man of good reputation?

Mr. Mathias: He is a man of good reputation. He is a homeopathic physician, one of the leading homeopathic physicians, a graduate from the Medical School.

I want to offer, as "Respondent's Exhibit No. 4" the affidavit of Fred Leach.

("Respondent's Exhibit No. 4", omitting the attached copies of letters, reads as follows:

98 "State of Illinois } ss.
County of Cook }

"FRED LEACH being first duly sworn deposes and says that the attached pages contain full, true and correct copies, except signatures, of the original letters received by the Packers Product Company, from customers who purchased Orchis Extract from said company.

(signed) FRED LEACH.

"Subscribed and sworn to before me this 17th day of May, A. D. 1919.

"LOUIS J. VICTOR,
(Seal) *Notary Public.*"

Mr. Cox: Those are copies of testimonials?

Mr. Mathias: They are copies of testimonials, all except the signatures. I have the originals here.

Mr. Cox: If you say they are, all right.

Mr. Mathias: Yes sir; they were compared in my office. There are the originals, if you want to look them over, from which these were copied.

Acting Solicitor Southerland: Do you know the copies to be accurate copies?

Mr. Mathias: Yes sir.

Acting Solicitor Southerland: Then, we will take your word for it.

Mr. Mathias: They were copied in my office by my stenographer. I just gave her these letters and told her to copy them.

Acting Solicitor Southerland: You have not compared them yourself?

99 Mr. Mathias: I have not compared them myself.

Acting Solicitor Southerland: You do not know whether they have been compared or not?

Mr. Mathias: I do not know whether they have or not.

Acting Solicitor Southerland: Well, the stenographer may have made some mistakes in copying them. Are you going to read some of them.

Mr. Mathias: Well, they are in the affidavit.

Acting Solicitor Southerland: What are in the affidavit? Copies of these letters?

Mr. Mathias: Yes sir; all but the signatures.

(Several of the copies as contained in the affidavit were thereupon compared with the originals and found to be correct copies, and the affidavit with the copies attached was received in evidence)

(Thereupon, at 4:25 o'clock p. m., a recess was taken until 10:30 o'clock a. m., Wednesday, May 21, 1919.)

---

100 SECOND DAY.

Wednesday, May 21, 1919.

Pursuant to the recess, the hearing was resumed at 11 o'clock a. m.

Present: The same parties as aforesaid.

DR. L. F. KEBLER, was thereupon produced as a witness for and on behalf of the Government, and upon examination, testified as follows:

By Mr. Nash: Q. Dr. Kebler, will you state your full name?

A. Lyman F. Kebler.

Q. Where do you live?

A. Washington, D. C.

Q. I am engaged in the examination of drugs and foods and the study of medical questions of all kinds that arise under the Food and Drug Act and in conjunction with Post Office Department work.

Q. You are Chief of the drug laboratory of the Bureau of Chemistry?

A. I am Chief of the drug laboratory of the Bureau of Chemistry, Department of Agriculture, and have been for sixteen years.

Q. What has been your general education and experience along medical lines, Doctor?

A. I am a graduate of the University of Michigan
101 a school of pharmacy, and of the medical department of the George Washington University. I have had the study of drugs up from the time I entered the University to the present time.

Mr. Mathias: What was the medical college?

The Witness: The University of Michigan, the George Washington University, the School of Medicine. I have had charge of the work over in the Department of Agriculture dealing with all those subjects, and am also one of the medical men who handle the medical cases that come up in the Department. I have practiced medicine to a certain extent, but not to any material extent. I do not make any claims along that line, as an ordinary practitioner.

By Mr. Nash: Q. Doctor, you are familiar with the advertising matter which has been introduced in evidence in this case, are you not.

A. Fairly well, yes sir.

Q. I would like you to state, for the information of the Solicitor, what is meant by "impotency" or "lost manhood"?

A. Well, it has different meanings, as I get it in the literature as views by various people. Impotency usually means an inability to have an erection and intercourse.

Q. Does that condition always arise from the same cause, Doctor?

A. No, not at all. It may be due to many causes. For 102 example a man may be ill, he may be nervous, and his condition may be such that he simply lacks the power that is necessary for that kind of thing. Another case is where a person, because of certain surroundings or circumstances for example, I know a medical man in this city who is simply unable to have an erection in the presence of a certain woman. He could not do it. I know another young fellow who is in the same condition.

Mr. Cox: Perhaps she was not very attractive.

The Witness: She was. She overawed him, that was all. There are other cases, like men as they advance in life. It is a natural physiological development or progress where they lost certain vitality. It is a physiological function; it is not a pathological condition at all. It is perfectly natural. We have that in all animals. Furthermore, an animal, the male, is able to produce, to create, only a certain amount of spermatozoa. They are limited. A better example is the bull. If a bull is allowed to run with a herd of cows freely for a number of years he soon gets in a condition where he will pay no attention to a cow at all. He is absolutely indifferent to her, and I have seen herds of that type that are used for beef. There is nothing to stimulate them at all, and they will simply

remain in active. They are as docile as a cow and do not manifest the ordinary symptoms at all of a bull in a natural condition. I do not know about a stallion. I have never seen
a stallion, but I have noticed that in a bull. I have seen
103 hundreds of them. I think those in general cover the situation. Take tuberculosis. A person who has tuberculosis in the advanced stages could not have an erection because there in no vitality there; there is nothing to recover that condition, unless a person should recover from the disease that underlies the cause. And there may be come physiological functions, like mechanical functions, that could not be overcome. Take a person that has a stricture. He would be cery much incapacitated in having a proper erection and even intercourse. He would be very much handicapped. Then again take a person that is diseased with syphilis. He would have the same difficulty there, and frequently they are absolutely impaired.

Q. Are all of these conditions that give rise to this complaint amenable to treatment, Doctor?

A. No, a great many are not.

Q. Are there any of them that can be relieved except by surgical interference?

A. In the case of a stricture, of course, there surgical interference would be the only method of remedying the situation. In the case of the others I do not know of any surgical interference that would do any good. At least, I do not recall any.

Q. How about inflammation of the prostate gland. Would that give rise to any condition of this kind?

A. That is another of the same type.

Q. Would that require surigeal treatment?

A. That would inject another element entirely. A
104 man that has his prostate removed probably would find it very difficult to have a satisfactory intercourse with a woman, because it removes one of the elements necessary to perform the act properly and completely.

Q. Now, in order properly to treat these various conditions that give rise to this complaint, what do you regard as necessary for the physician to do?

A. Well, the first thing is to relieve the underlying cause. For example, if a man is working and he applies himself too strenuously to his work and his vitality is lowered, the only way that man can ever come back to a normal condition is to

rest, to take the proper food and rest and save himself entirely from his usual surroundings and work. Take a hysterical person. The only way you can relieve a condition of that character is to endeavor to remove the hysteria or the cause that underlies the hysteria. There is a difference between men and women, although in this while stress is laid on the man there is no indication that it is restricted to man entirely, because it treats a disease that is primarily a disease of womanhood. In old age there is absolutely nothing that will return the man to a normal condition. There are cases on record where men of seventy or eighty years old who are still in possession of their normal functions and from time to time are able to have proper intercourse with a woman, but where there is one such individual there are thousand who simply are unable to do that, after a certain time in life, just the same as a woman is unable to bear children
105 any more after a given period in her life, because there are no further evulations. She does not develop or produce ova after that period, and while she can have intercourse she cannot raise children. With a man that period extends much longer, and he is not limited exactly to the same extent, but he is, nevertheless, limited, and when that function is gone it cannot be restored, it does not make any difference what you use. Conditions arise where an old man for some reason is enabled to have an erection and have intercourse, even after he has been unable to accomplish this act for years, the reason being, it is claimed, that there is a certain atimuli or inclination that is introduced in the prostate gland which causes this phenomena. He can have erection and an intercourse, but he cannot complete the act.

Q. I understand, then, from your statement, Doctor, that you regard it as necessary for a physician to personally diagnose the case and determine just what the underlying cause is before he can successfully treat the patient?

Mr. Mathias: I object to that question. Your Honor, do you allow them to ask leading questions? He represents the Government in this case and he is leading the witness.

Mr. Nash: That is true, but very often there is a good deal of latitude allowed in examining an expert witness. Whether the Court will allow it in this case or not, I do not know. If he does not want to I will reframe it.

Acting Solicitor Southerland: I think for the purpose of saving time I shall allow the question. You can answer
106 the question Doctor.

The Witness: There is no way of determining the cause of disease or condition without making a thorough examination, and there is no way of treating a condition or disease unless you know what the disease is.

By Mr. Nash: Q. Is there any one treatment, Doctor, that can be applied and relied upon to benefit or cure all of these various causes?

A. No.

Q. I wish you would take the little pamphlet used by this concern, Doctor, entitled, "Are You 100% Efficient." You will notice that there are certain portions of that book that have been marked. I would like you to read those portions to the Court and state whether or not, in your opinion, they are true representations as to the possibility and capability of this remedy.

A. I read from page 3, as follows:

"Neurasthenia—is a disease that embraces all conditions from moderate loss of nerve tone to actual nervous prostration. The meaning of the term is, lack of nerve force, a condition with results from overwork, fatigue, excesses, functional disorders, etc."

You will notice there that many conditions are given as the cause of the neurasthenia, functional disorders, excesses, fatigue, overwork. All those may have a primary cause. Neurasthenia covers such a wide field that it is simply impossible to seek the condition successfully by any single drug or even combination of many drugs. It is necessary
107 often to use hygienic measures, diet, and change of scenery and surroundings, and many other factors that come in that I do not just now happen to recall.

Acting Solicitor Southerland: Then, I take it that it would be impossible to frame any one treatment that would be beneficial or that would cure all cases of neurasthenia?

The Witness: Simply impossible.

"Physicians have been seeking for a long time to relieve the sufferers from this ailment and it has been recognized by learned men of the profession as one of the most difficult trouble to cure."

I think that is a very good statement and represents the situation quite well; physicians are looking and have been looking for some agent or agetns or factos which will cure the many conditions that are covered by the term "neurasthenia."

I quote from page 5, referring to other remedies, as follows:

"They do not act in the same way that Organo Tablets do, by actually giving to the system something which is necessary to its metabolism and upbuilding and not merely being stimulating."

There is nothing in these tablets, which, so far as I can see, would have any influence on metabolism. They do not upbuild in any sense of the word, unless you can possibly consider the small amount of sugar present in these tablets as upbuilding, and the sugar does not upbuild, but is simply an
agent that is utilized for the production of heat. That is
108 the main function of it, and therefore, it can be definitely
said that these tablets do not upbuild the system in any way.

"It is a remedy which supplies the necessary substances to the cells and to the tissues."

That is a vague statement. I do not know what it means, but, so far as I can see, it does not supply anything.

I think at this point it might be well to call attention to the fact that this drug is taken by the mouth. There is no evidence at all anywhere that any material taken out of the testicles will be absorbed or have any influence upon the body. It is true that some experiments have been made and observations recorded tending to show that when extracts of these testicles are introduced hyperdermically there is a certain influence exerted, but even those observations are very obscure and unreliable, because there is introduced not only the action of the drug itself, if it has any, but also secondary reactions like the protein reaction which you get when you introduce a protein product of this type. Therefore, if no material amount of material is absorbed when introduced into the body or utilized or assimilated, it certainly cannot produce any good results.

"Organotherapy. For many years the medical profession has made use of a method of treatment which is generally know under the name of organotherapy."

That is practically true. Organotherapy has been used since beyond the memory of time. The chinese used it, and
it is recorded in their literature, and it represents really
109 thousands and thousands of years of observation. They
have used testicular extract, and the one that was considerably called for many years ago was that of the tiger. I

have seen this thing a good many times also. We still eat what we know as lamb fries. They are simply the testicles of the lamb. These ideas are quite common. For example, it was a common idea for people to believe that by drinking the blood of an ox they would be powerful and strong like an ox, or if they would eat the heart of a lion they would be swift and strong. I know that one of the Chinese Ministers here for a number of years would get some of the young men to urinate for him and would drink that urine with the idea of having imparted into his system some of the vitality of the young men, because he was losing his vitality, as he called it. So there is nothing new in this, and I may say that a number of very excellent products have come as the result of the work along this line, and it may be only necessary to refer to a few of them, the thyroids, the pituitary body, the suprerenal capsules and adrenalin and others which have been used but which have failed. This testicular extract, or this powder material, has been on the market for a great many years. Medical men have used it to a certain extent, but, so far as I have been able to find, it has failed to produce any material results. At least, it has failed to find a definite recognition at the hands of medical men of standing.

Mr. Nash: Just there let me interrupt you, Doctor. 110 Even if, as a matter of fact this remedy would have some vitalizing or stimulating influence, could it be relied upon as a cure for the very conditions which you have outlined, arising from more than one cause?

The Witness: No.

I quote from page 6 as follows:

"The chief ingredients of this truly Wonderful Compound are those elements found in the Orchitic or testicular gland of the Ram, extracted and sterilized, forming a powerful tonic which is readily absorbed and assimilated."

I have already referred to the extent of absorbtion and assimulation. There is very grave doubt about this material being absorbed from the intestinal canal when introduced into the system through the mouth, and if it is not absorbed, it could not be assimulated.

Acting Solicitor Southerland: Could you tell us the basis of that doubt? Why do you think it is doubt-ful?

The Witness: For example, if we take meat into our system, meat is not absorbed as such, but is broken up into certain constituents which can be absorbed from the intestinal

canal through the walls of the intestinal canal and taken up in the blood and carried along. Take fat. It is not absorbed as fat, but is broken up into component parts and absorbed. Referrence was made yesterday in connection with this book to pepsin being used. That is possibly true and a great deal of it is introduced into the small intestines and the stomach, but pepsin as such is not absorbed, but is broken up and oxidized. Cane sugar is used to a large extent but is not
111 absorbed as cane sugar. It is broken down into a state or character in which it may be absorbed.

Take glyco-phosphates which are said to be analgous to some of the proteins in the nerve tissue. It is well known that they are broken down into their component constituents, and if they are of any value whatever, the value comes because of the fact that they are so separated and then assembled in the body to produce certain things.

Going back again to meat. If we should introduce, say, peptone, which is a partially changed meat product, into the blood, death would probably result; at least, if any material amount is introduced, because it is a poison and because it is not of the same structure as peptone or protein material introduced into the system through the alimentary tract. In other words, very little of these complex bodies are absorbed in their complex form. They are usually resolved into smaller fractions and absorbed in that way.

Acting Solicitor Southerland: Why could not this tablet be broken down by the chemical action of the stomach in the same way and absorbed in its component parts and then assembled in the testicles?

The Witness: It could be, but then you would get not the value of this product, but so far as we know this particular harmone, we will call it, that is said to be testicular extract is not produced in the body, that is, as a general product, but is produced in the testes themselves. So far as we know, they are not produced in any way from the material directly introduced as such into the blood.

112 I read from page 7 as follows:

"Testicular Extract is rich in nuclein, and hence has been given with success in anaemia and tuberculosis.

That would lead one to the belief that nuclein was a powerful and potent agent in the treatment of tuberculosis when, as a matter of fact, such is not the case. It has no value in the treatment of tuberculosis. It also would lead to the be-

lief that it would be efficacious for the treatment and maelioration of all conditions, which manifest themselves in the form of anaemia. Anaemia covers scores and scores of diseases, and it is only necessary to refer to a few of them to see how utterly inadequate this treatment is for them. for example, take pernicious anaemia. Take Chlorosis. Chlorosis is supposed to be connected in some way with the reproductive organs of the femal. There is nothing whatever in this drug that would in any way modify or influence such condition in the female, as far as I know. Take other forms of anaemia, anaemia due to Gright's disease, to cancer, following typhoid fever, tuberculosis, a woman having undue flirting or a host of other conditions that might be enumerated along the same lines.

I quote from page 8 as follows:

"D. J. McCarthy (Int. Med. Mag., Nov. 1900) reports the successful treatment of tabes dorsalis and scleratic diseases. W. Dufougere recommends Testicular Extract in chlorosis."

The chlorosis has already been disposed of. As far as we know, there is no agent or agents or factors which can successful treat locomotor-ataxia. Tabes dorsalis is simply
113 another name for locomotor-ataxia, and it is a well recognized fact that locomotor-ataxia is not amenable to successful treatment of any character. It is true that some cases will be stayed and not progress any further, but to represent that the condition will be restored or will be eliminated is simply an impossibility, because in tabes dorsalis a part of the nerve tissue is destroyed. So far as we know, there is no agent which will restore destroyed tissue.

"Nature intended man to retain all his powers and faculties unimpaired to an advanced age; but the march of civilization has been so rapid, the body has been unable to adapt itself to the demands made upon it and the spectacle of men prematurely old is a common one."

In this connection it is only necessary to say that the length of life has been materially increased during the past fifty years, so that that statement is hardly correct.

"It has a specific influence upon the genito-urinary organs, but its general action is that of a powerful rebuilder and rejuvenator."

So far as the records of literature show, it has no specific influence upon the genito-urinary organs. Neither does it exert the general action of a powerful rebuilder, or rejuvenator.

"Its effect upon the nervous system is marked, and remedies which favorably influence the great organ of life are regarded by physicians as most useful."

That would lead to the belief that this product would affect all nervous conditions.

"Organo Tablets have a special action on the glands
114 of the reproductive organs."

There is nothing to show that these Organo Tablets have any such action.

From page 11 I quote as follows:

"Physical decline. Its causes and consequences. No man is exempt. Prevalence of Weakness. There are in America today millions of men, between 17 and 65 years of age, who are earnestly seeking relief from sexual weakness in some form or stage."

I think that is a greatly exaggerated statement. I know a good many men, comparatively few of whom are earnestly seeking to get relief from sexual weakness.

Mr. Nash: The seeking comes from the other side, does it not, Doctor?

The Witness: And I also want to say that one of the elements that comes to my mind at this moment is the influence of statement of this character on young men who are just coming into adolescense, these statements and similar ones—I do not think this is so objectionable as some of the others—lead young men into ideas and thoughts that lead to evil ways.

Referring to the chapter on page 11 under the heading "Nervousness," it is true that many, many deaths result as a result of nervous condition of some kind, but it is also true that this drug would not possibly remedy those deaths or prevent them.

By Mr. Nash Q. Even if they did have some powerful effect in the way of rejuvenating the testicles, would it even
115 in that event have any power to relieve different forms of nervousness?

A. Take locomotor-ataxia. It is a nervous condition. Take paralysis-agitans, or Parkinson's disease, and a lot of those other nervous conditions. It is absolutely impossible for any drug or any other treatment to relieve many of those conditions.

Q. Is it not true, Doctor, that in some nerve conditions the weakness of the sexual organis is a result of the general

nervous condition rather than the cause of the nervous condition?

A. That is perfectly true.

I quote from page 13 as follows:

"Do not let false pride stop you from being cured." On the same page, a little further down, I quote as follows: "Do not let false pride keep you from seeking a cure."

That certainly clearly indicates that this product is represented by the promoter as a cure for these various ailments, which we think will be compelled to admit is at least overdrawn.

Q. Well, is it true, Doctor or not?

A. No; it is not true.

Mr. Cox: You were stating it in a polite way?

The Witness: I tried to be fair. On the same page: "In a general sense no man is fitted for the duties of life, if he has grown old before his time, or if he suffers from any of those weaknesses peculiar to men, such as Sexual Decline, or Weakened Manhood, Urinary Disorders, Lame Back, Unnatural Losses, etc., that sap the strength and exhaust the vital-

116 ity and nerve force."

That covers almost everything with the exception of—well, even the infectious diseases. It covers almost everything except infectious diseases, and it covers those to a certain extent.

By Mr. Nash: Q. And you do not believe that this remedy will cure all those diseases?

A. It certainly will not.

Acting Solicitor Southerland: Will it cure any of them?

The Witness: No, it will not. I quote from page 14 as follows: "A powerful nerve building, strength giving tonic and invigorating treatment such as the Organo Tablets is needed to assist lagging energy, strengthen the nerves that control the sexual organs, and bring back to normal strength those organs that are weak."

There is nothing in this product that can be recognized as a nerve building or strength giving tonic. It is not an invigorating treatment; neither does it strengthen the nerves or control the sexual organs.

On page 15: "The timely use of Organo Tablets for a reasonable length of time, seldom fails in invigorating the functions of the body, bringing about tissue repairs, so that those parts that are weak, are strengthened and restored to their normal condition."

There is nothing in this product that will repair waste tissue, or any other form of tissue, or strengthen or restore the weakened condition to a normal condition.

117 On the same page: "What can be a more sensible form of health insurance, what a greater preventive or weakness, sickness and disease, what a more rational remedy in the case of weaknesses peculiar to men, than the use of Organo Tablets."

Another statement that covers virtually the whole gamut of ailments which afflict mankind.

From page 17: "Reserve Nerve Force." * * * When he finds that nature must have assistance, he will use a full course of Organo Tablets and store up a reserve fund of nerve force."

There is nothing in this product that warrants such a statement. It will not store up nerve force, or a fund of nerve force.

From the same page: "Testicular Extract from which Organo Tablets are principally compounded is being recommended and prescribed by leading physicians throughout the civilized world for Nervous Weakness, General Debility, Sexual Decline or Weakened Manhood, Urinary Disorders, Lame back, Lack of Ambition, Energy and Nerve Force, Sleeplessness and Rundown System. We believe it is the greatest remedy and that it has no equal. It has proven itself safe, prompt and satisfactory in hundreds of cases."

It is probably true that some of the medical men do prescribe it. It is an article on the market. A number of years ago it was exploited to a certain extent, but it is now well recognized that it has little, if any, substantial value, particularly if used by the mouth.

118 By Mr. Nash: Q. Are these representations that you have just read true then, Doctor, or untrue?

A. Well, the way the statement is put it is very difficult to say that the statement is not true.

Q. Do you agree with the belief that it is the greatest remedy and that it has no equal?

A. I do not.

Q. Do you believe that it will relieve the conditions that are set out here?

A. No; it will not.

Q. Just in that connection, Doctor, let me ask you this: Assume that a large number of persons who had used this

treatment and afterwards it was reported back to the concern selling it that they had been cured. Would that influence your mind in your testimony in this case?

A. Not in the least.

Q. Why?

A. Because you can get testimonials for anything. We have shown that over and over again. Take Water and sugar and a little salt. You can get testimonials by the thousand from people who claim to have been benefited and cured for all ailments from that of an ingrowing toe-nail to serious conditions like tuberculosis or cancer.

Q. How do you explain that situation, Doctor?

A. Well, there are many factors that contribute to that

Acting Solicitor Southerland: What do you mean Mr. Nash?

119 Mr. Nash: I mean how does he explain the situation that he has described, that testimonials are obtainable, as he states, for almost anything.

Mr. Mathias: I do not see how that is competent. It seems to me that the testimonials in this case would be the ones.

Acting Solicitor Southerland: I am going to ask him that as soon as he finishes answering this question.

The Witness: People when they spend their money do not want to think that they have spent it for nothing, and they are perfectly willing to make a statement as to having received benefits. For example, I tried out some of these things myself, and have found that the patients would make a definite statement that it had benefitted them.

Mr. Mathias: You tried out some of what things, Doctor?

The Witness: Some of these advertised products, some of these products that are advertised and for which certain claims are made.

Mr. Mathias: Other patent medicines?

The Witness: Yes. They have stated that they got excellent results from them and were benefitted, when, as a matter of fact, the records show that they had not been benefitted in the least. It was simply a psychic influence. In the case of a hypodermic injection there would be certain influences that would tend to cause a patient to feel better. For example, you take a person that frequently takes a pypo-

dermic of morphine. You can give that person a hypoder-
120 mic—that is, a person that is not a very hardened user of the drug—at one time and then give that same person a hypodermic of warm water, and for the time being the person will be perfectly satisfied and believe that he is getting benefit, and will give a testimonial. In other cases the patient was actually improved. For example, take a tubercular patient. One day he is down and the next day he is up. If you happen to take him on the day he is up, he will give a testimonial in favor of it.

Acting Solicitor Southerland: You do not mean his being up as a result of the particular medicine they recommend?

The Witness: Not at all; simply because of environments.

Acting Solicitor Southernland: The natural course of the disease?

The Witness: Natural causes. Take a person that is suffering from diabetes. One week or one series of weeks they will be a way down; the next series of weeks they will be feeling fine, and some of the people would not hesitate to give a testimonial under those conditions. In other cases the drug is brought to the attention of the person specifically and then they are asked later on to give a testimonial. None is purchased and probably the inducement is not very great, but, at the same time, there are influences brought to bear on the individuals to give those testimonials.

I have not read these testimonials in this particular booklet, but, in my judgment they are all of the same type.

121 Mr. Mathias: I object to that. He says he has not read them.

The Witness: I read them in the old booklet, not in this one.

Acting Solicitor Southerland: Assuming that a person ordered some of these tablets and used them according to directions and then gave a repeat order for them, and stated in that repeat order that the tablets had been beneficial. Do you think the statement of that person was correct?

The Witness: Well, the person may make that statement in good faith and he may think that he is doing better, but simply because a person says so it does not make it so.

Acting Solicitor Southerland: Why do you think he might be mistaken?

The Witness: Because they are. A layman is not in a position, usually, to determine or actually know whether or not a drug is doing him any good. We give placebo pills and fre-

quently get just as good results as we get by giving certain drugs.

By Mr. Nash: Q. Suppose that in this particular instance the man had been unable to have sexual intercourse before he used this and found himself capable of doing it after using this treatment.

A. That frequently happens. I stated that before. A man may for a long time be unable to have a sexual intercourse, and the environment develop when he is able to have
122 a sexual intercourse without the use of any drug or other agency, except that it may be a pretty or attractive woman.

Q. You think the excitement enters into that kind of situation?

A. It certainly does.

Mr. Mathias: Suppose there were three hundred cases like that where there were repeat orders?

The Witness: Well, I would like to see the patients.

Acting Solicitor Southerland: Doctor, assume that there were three hundred cases of repeat orders and some of them stated that they had been benefitted and some of them stated it in different ways; that they wanted more of the medicine because it had cured them of these various ailments, or had done what this concern claims it would do. What would be your judgment as to whether or not the medicine had had the effect upon these people that they say it had?

The Witness: My judgment is that the people were simply deceiving themselves. The drug did not have the effect on them that they thought it had.

Acting Solicitor Southerland: And that their relieved condition was due to psychic condition or to natural causes or to some other agency that this medicine?

The Witness: Yes, sir. I think that I have brought out the essential elements. These others are simply additions to what has gone before of a similar type.

Mr. Nash: You may cross examine.

123 *Cross-Examination.*

By Mr. Mathias: Q. How old are you, Doctor?

A. Sixty-five.

Q. When did you graduate from the medical school?

A. in 1906.

Q. What had been your business before that?

A. I graduated from the University of Michigan. I was at the University of Michigan five years. I studied Chemistry, drugs and the action of drugs. After that I engaged with a firm in Philadelphia in the manufacture of drugs, the preparation of agents in testing out some on animals, chemically and otherwise. I also studied medicine while I was in Philadelphia at the Jefferson Medical College as a special student there.

Q. When did you go to the Washington Medical School?

A. I began in 1903.

Q. And went until 1906?

A. Yes.

Q. Were you working for the government at the time you were going to the medical school?

A. I was.

Q. Were you in the Department of Agriculture?

A. I was.

Q. You were in the Department of Agriculture all the time you went to the medical school?

A. I was.

Acting Solicitor Southerland: That is, all the time he went to the medical school in Washington?

124 Mr. Mathias: Yes:

The Witness: In Washington, Yes.

By Mr. Mathias: Q. How much of your time have you given to your studies in the Department of Agriculture? How many hours a day?

A. From seven to fifteen hours?

Q. A day?

A. Yes.

Q. And you are in the Chemical Division?

A. Yes.

Q. What are your duties in the Chemical Division?

A. The examination of drugs; the study of intimate questions that come up.

Q. Relating to drugs?

A. And claims and representatives made for them. The use of drugs; their action. The study of the literature as it is issued.

Acting Solicitor Southerland: Do you study the pathological effect of drugs?

The Witness: Well, the therapeutic action.

By Mr. Mathias: Q. You never had an office as a physician or a surgeon?

A. No.

Q. You never practiced medicine as a physician or a surgeon?

A. Not in the ordinary accepted term, no sir.

Q. You are not allowed by the Government to have 125 any business except that in which you are engaged?

A. I could practice medicine if I wanted to.

Q. You could?

A. I could. In fact, I have in a mild and moderate way.

Q. How many cases have you had in your life?

A. Probably a couple of hundred.

Q. How many patients?

A. Probably a couple of hundred. I have had charge of a tubercular sanitarium for about a year and a half.

Q. Where was that?

A. Fairmount, Washington Grove, Maryland.

Q. What year was that?

A. 1915-1916.

Q. By whom were you employed there?

A. I employed myself.

Q. Did you ever treat any patients for impotence?

A. No sir.

Q. Did you ever treat any patients for lost manhood?

A. No sir.

Q. Some tubercular persons are very stron sexually, are they not?

A. It depends on the age of the disease.

Q. Fever in some cases has a tendency to make a person strong sexually, has it not?

A. Fever?

Q. Yes, sometimes?

A. Well, you may qualify it by sometimes. That is possible. But I do not think it is the fever that makes them 126 strong sexually; it has just the opposite effect.

Q. In this booklet the paragraph relating to neurasthenia that you read in the beginning describes what neurasthenia is, does it not? Is it not true that neurasthenia is a disease that embraces all conditions from moderate loss of nerve tone to actual nervous prostration?

A. I think so.

Q. Is it not true that "The meaning of the term is lack

of nerve force a condition which results from overwork, fatigue, excesses, functional disorders, etc.''?

A. I think so.

Q. You do not know of anything that is untrue in either of those two statements, do you?

A. No; those statements, I think, are true.

Q. Can you describe neurasthenia in any other way, substantially?

A. Well, I think that is a pretty good definition. That is, it is a definition of a layman type.

Q. Most people know what neurasthenia, is do they not? It is generally known?

A. No; I do not think so. As a matter of fact, medical men do not know it, frequently.

Q. Well, they do not know all the causes of it, do they?

A. They do not even know when it is neurasthenia. It is a very vague term applied to a large group of conditions that we do not know the cause of.

Q. When a person is nervous you sometimes say he 127 is a neurasthenic, do you not?

A. Yes.

Q. Regardless of what the cause is?

A. That is true.

Q. Is not neurasthenia generally brought about by some functional disorder of some kind? For instance, if a person—

A. Not necessary functional.

Q. If a person were injured, if he fell off a street car, that would make him very nervous, would it not?

A. No; I fell off a street car and it did not make me nervous a bit.

Q. Well, if it hurt you it would make you nervous, would it not?

A. It might, but that is not neurasthenia.

Q. Well, I am trying to get your idea of what neurasthenia is. So that you would not call that kind of nervousness that results from accidents and things of that kind neurasthenia?

A. I would not go so far as that. That is not what I said. We may have an accident where a man is smashed up entirely and the condition of his nervous system is entirely a wreck. There you might apply the term neurasthenia. That is not the usual case, though.

Q. If a man worked fifteen or sixteen hours a day and as

a result of that became nervous, would you call that neurasthenia?

A. I might call it neurasthenia. I do not know any other term to call it.

128 Q. For instance, if you had continuous trouble with your bowels or something of that kind; inflammation of your bladder will produce nervousness. Would you call that neurasthenia?

A. No. I would hardly call that neurasthenia.

Q. What would you say would be the functional disorder producing a state of nervousness which would produce that state which you would call neurasthenia?

A. Well, a woman may have a miscarriage, and as a result of that certain conditions develop. She might be very nervous and be in that nervous condition. We sometimes call that neurasthenia.

Q. Now, Doctor, assume for the sake of this case that it is true that Organo Tablets are a good remedy for nervo-sexual trouble. Just assume that to be true. Then you started out to explain to some person the nature of the remedy. It would be reasonable to define what neurasthenia was, would it not, in connection with the remedy, if it was really a good remedy?

A. I do not see any reason why you would not define it.

Q. That would be the reasonable way to present your case, would it not?

A. Yes.

Q. "It is true that physicians have been seeking for a long time to relieve sufferers from this ailment and it has been recognized by learned men of the profession as one of the most difficult to cure." Is that not so?

A. It is true.

129 Q. You read the little pamphlet concerning which you gave your criticism a moment ago, did you not?

A. I did.

Q. And you pointed out all the things in that booklet which you considered in any way objectionable?

A No; I pointed out the leading ones.

Q The worst ones from your standpoint? Is that it?

A. I do not know that they were the worst ones, but they were what I call misleading and defective.

Q. How many cases of this character have you testified to here in the Post Office Department?

A. I possibly have testified in half a dozen cases.

Q. How many cases altogether have you testified in; that is, medical cases in the Post Office Department?

A. I think that covers it.

Q. Half a dozen?

A. I think that covers it. There are very few cases I have testified in.

Q. Have you made reports in many cases?

A. I have.

Q. In how many cases have you made reports?

A. That I could not say.

Mr. Nash: Hundreds of them?

The Witness: Well, a good many.

By Mr. Mathias: Q. You criticized that paragraph as follows: "They do not act in the same way that Organo Tablets do, by actually giving to the system something which is necessary to its metabolism and upbuilding and not
130 merely being stimulating." What do you understand by "metabolism?"

A. Metabolism is a term applied to some chemical changes that are brought about in the system as a process of life.

Q. That sentence that I just read you was read in connection with what immediately preceded it—"Many remedies have been advocated as successful in the treatment of sexual weakness and it might be said that every country had its favorite remedy in medicines which have since proved of little or no value, among these opium, musk, cantharids, amber, cannabis indica, cocaine, yohimbin, nux vomica, damiana, saw palmetto, hoang man, muirapaama, etc."?

A. Yes.

Q. Are you familiar with those cases?

A. Those drugs?

Q. Yes.

A. Most of them, yes.

Q. In the treatment of your patients did you ever use any testicular extract?

A. No.

Q. Did you ever have come under your personal observation patients who had been treated with testicular extract?

A. No.

Q. Did you ever work in a laboratory, or in a hospital, where any cases of that character came under your observation?

A. No. Do you mean of all these drugs here?

131 Q. No; I am talking about testicular extracts.

A. That is all right.

Q. Have you observed the effect of opium, musk, canthárids, amber, cannabis indica, cocaine, yohimbin, nux vomica, damiana, saw palmetto, hoang nan, muirapuama and so forth? Have you observed the effect of any of those when given to people?

A. Yes.

Q. Did any of those remedies have any effect with reference to nervo-sexual troubles, as far as your observation went?

A. No. I do not know that hoang nan.

Q. That is a Chinese remedy.

A. I do not know anything about it.

Q. I think it is forbidden to be brought into this country, is it not?

Mr. Nash: I do not know.

By Mr. Mathias: Q. When you say that Organo Tablets do not effect metabolism, you merely state that as your opinion, do you not?

A. No; as a fact. There is nothing there to cause any chemical change.

Q. Did you ever give anybody any testicular extract of any kind?

A. I did not need to give it.

Q. You did not need to give it?

A. I did not need to give it nor determine whether 132 it had any metabolistic effect.

Q. Does any secretion of the testicles have any metabolistic effect upon the development of man?

A. Do you mean these Organo Tablets?

Q. No; any secretions of the testicles.

A. They may have.

Q. What effect do they have, so far as your observations go?

A. Well, they sometimes put more vitality into a man, but that is not metabolism.

Q. It was according to your definition a while ago.

A. Not at all.

Q. Do not the secretions of the testicles in a man appear to have some chemical effect upon the metabolism of the system?

A. Well, I do not know of any. I never heard of any.

Q. Have you ever had it come under your observation in eunuchs?

A. I have seen a few.

Q. Did you ever make a study of eunuchs?

A. No.

Q. Do you not know that it is a fact that when a person's testicles are removed in youth that it makes a very material difference in growth and development?

A. It depends entirely upon whether it is a human being.

Q. I am talking about a human being.

A. It does make some difference, yes.

133 Q. It makes a difference in their voices, does it not?

A. It depends on when the testicles are removed.

Q. I mean in youth.

A. It depends on what part of youth.

Q. It makes a difference in their size, does it not?

A. Well, it makes——

Q. I asked you if it does not make a difference in size?

Mr. Nash: He cannot answer that yes or no.

Mr. Mathias: He can so state if he does not know.

Acting Solicitor Woutherland: I can tell you why. You can readily understand if they were removed when he was two years old it would have a different effect then if they were removed when he was sixteen or eighteen. He cannot answer you yes or no.

By Mr. Mathias: Q. You have read some of the books about eunuchs?

A. I have read some.

Q. But you never made any special notes?

A. I read that story in the Bible about eunuchs.

Q. Do you not know that the removal of the testicles has an effeminating effect upon a well being?

A. Not necessarily.

Q. Do you know of any case where it did not have?

A. Yes; I have seen men have their testicles removed and it had no effect upon them at all so far as their physical being was concerned; that is, so far as their physical outward appearance was concerned.

134 Q. Did it not affect their ambitions?

A. That is a different proposition. You said "effeminating"

Q. What effect did it have on them when they removed their testicles?

A. Sometimes they increase in flesh and become sad and despondent frequently.

Q. It had an effect on their nervous system, did it not?

A. No, not necessarily, except as a reflex action.

Q What aecretion if there in the testicle that is the thing

that makes a difference, so far as the metabolism is concerned?

A. I do not think there is anything.

Q. You have read about Hormones?

A. Yes.

Q. Is it not supposed to be a word to define the thing in the ductless gland that has potency to carry on the metabolism to the system?

A. Hormone is a substance that is produced by the ductless glands and has various functions, depending entirely upon the glands. Take, for example, the suprarenal capsules, the adrenalin; that has no special action on the body by way of metabolism. The thyroid gland does have some influence. Take the pituitary body, or the pituitary extracts. Pituitary extract has a restricting effect upon certain tissues, certain muscular tissues, like the uterus. It has no special action upon the metabolism of the body.

Q. No chemist has ever yet been able to isolate the
135 Harmones of those particular glands?

A. Yes; they have.

Q. Have you been able to make a chemical analysis so as to know what particular sections in the gland is the thing that has the effect?

A. In the case of adrenalin, yes; in the case of the suprarenal capsules, yes.

Q. How about the thyroid gland?

A. We have come pretty near it. We have not gotten everything out of it.

Q. How about the testes?

A. Nobody knows what it is.

Q. Is there any doubt, however, that the secretions from the testicles have a very important effect upon the development of a man?

A. The normal secretions.

Q. You do not know yet what those secretions are, do you?

A. No; we do not know exactly what they are.

Q. They have not yet been able to ascertain the chemical analysis of them?

A. We have not been able to isolate them so far.

Q. Now, not being able to isolate them, you do not know their chemical composition, do you?

A. That is true.

Q. And not knowing their chemical composition you do not know whether they could be absorbed from the intestinal tract or not, do you?

A. Yes; we do.

136 Q. How do you know that?

A. We do not know the chemical composition of meat, but we do know it is absorbed as certain products.

Q. Well, certain parts of meat are nourishing, are they not?

A. As far as I know, all of them are.

Q. Do you say that not knowing what the secretion is from the testicles that you can say positively that it could not be absorbed in the stomach or the intestinal tract?

A. I did not say that any of it would be absorbed. I said there is no evidence that it is absorbed.

Q. Well, what do you mean when you say there is no evidence of that?

A. No evidence of literature that any probable amount is absorbed.

Q. If I showed you several books by physicians who have made extensive study and experiments in the use of testicular extracts, would that change your opinion?

A. Possibly, I would like to see them, though.

Q. If you were going to give a person strychnine hypodermically, would you give it in as big does as you would by the mouth?

A. No.

Q. Why?

A. It is more potent, it acts more potently.

Q. Where you were going to give them opium or morphine would you give them larger does by the mouth than you would hypodermically?

137 A. It depends entirely upon whom I am going to administer it to.

Q. I am speaking generally.

A. Yes; I would give just as big a dose as I would by the mouth.

Q. Take a person who has never taken any morphine or opium. If you were going to give that person a dose of morphine by the mouth would you give a larger or smaller dose?

A. A smaller dose hypodermically than by the mouth,

Q. Why?

A. Because it acts much more potently by way of the blood than it does the other way.

Q. Why would it act more potently?

A. Part of it may be destroyed in the stomach or the intestines and some of it not be absorbed at all and not have any effect, just the same as this material here.

Q. The secretions of the testes are supposed to have a chemical effect, are they not, in the system?

A. What?

Q. They are supposed to have some chemical effect in the system?

A. I do not know of any. I never heard of any.

Q. Have you ever read books about it?

A. I think I have.

Q. Do they not call it the "chemical messenger?"

A. I have never seen them. A chemical messenger may mean anything. We have messengers over in the Bureau
138 called chemical messenger. They do not have anything to do with chemical metabolism.

Q. You know what the term "chemical messenger" means in that sense. That has an ordinary meaning, does it not?

A. Not that I know of.

Q. Where you put strychnine in your body what effect does that have? Does not that have some chemical effect?

A. No; I do not think it has any chemical effect.

Q. What does it do?

A. In the first place, it will tend to increase the appetite. It will probably cause an increased secretion of the gastric juices. It may increase the rapidity of the heart, but, so far as I know, it has no chemical effect.

Q. Why does it increase the rapidity of the heart?

A. It has an indirect action upon the nervous system.

Q. Why?

A. Because that is one of its functions.

Q. You do not know why, but you know that it does?

A. It does, yes.

Q. You do not know why the extract from the thyroid gland has the effect it has, do you?

A. No; we do not know definitely.

Q. All you know is that it does?

A. Yes.

Q. That is empirical?

A. We sometimes call it empirical, yes.

Q. The theory with reference to these glandular ex-
139 tracts is that they give back to the body that which the weakened organ has failed to supply? Is not that the theory of it?

A. There is only one that I know of that does do it, that is, when given by the mouth.

Q. That is the thyroid extract?

A. Yes; the pituitary.

Q. Did you ever read any treatise of the function of the cells of the thyroid gland of the testes?

A. Yes.

Q. The cells of those two glands seem to be very similar, do they not?

A. All glands of that particular type are similar.

Q. They have the interstitial and epithelial cells?

A. The epitherlial cells.

Q. Is not that what they call them?

A. In the testicles?

Q. Yes.

A. I never heard of any; or in the thyroid gland I never heard of any.

Q. Doctor, the layers of the cells in the thyroid gland and in the testes are about the same, are they not?

A. Yes; they have a similar configuration.

Q. And so far as chemists have been able to discover the secretions are more or less similar, are they not?

A. I do not know. The secretions of the thyroids are——

Q. I mean chemically.

Mr. Cox: Let him answer. You asked him a question 140 and do not get the benefit of an answer on the record.

The Witness: We have some knowledge of the composition of the thyroid material that does the work, but we have no knowledge of the chemical composition of the Harmones produced by the testicles. We do have a definite knowledge of the chemical composition of the suprarenal capsules.

By Mr. Mathias: Q. If the theory with reference to the treatment of extracts from the ductless gland is to use the extract to restore that which the defective gland has failed to supply, is not that theory just as sound with reference to the testicles, theoretically speaking, as with reference to any other gland?

A. No.

Q. Why?

A. In the first place, if we give ephedrin or adrenalin by the mouth it has no effect; It is known to be worthless, but where it is injected we get physiological effects.

Q. You did not understand my question.

A. I am just illustrating. In the case of the thyroid gland, when the material is set in its natural state, we do have effect. In the case of the testicles there is no evidence at all that we get any effect through treating by the mouth.

Q. What do you mean by "no evidence?"

A. No experiments have been conducted to show that it produces any material effect upon the body.

141 Q. How do you know that?

A. The literature tells you that.

Acting Solicitor Southerland: What literature, Doctor?

The Witness: Well, I will give it to you. There is no experimental data to show that the extract of the testes, or the material itself, introduced by the mouth, has any effect.

Mr. Mathias: To what literature do you refer?

The Witness: I will have to look it up. I have not that particular one.

Acting Solicitor Southerland: Are you referring to medical authorities or advertising authorities?

The Witness: Medical literature. I have some, I think, right here.

By Mr. Mathias: Q. Just state what the names of the books are.

A. Well, here is Dr. S. O. L. Potter's Materia Media, Pharmacy and Therapeutics.

Q. What year was that?

A. 1913.

Q. What other books is there?

Well, there are virtually the same type. They all use the extract and quote from Brown Sequard. Their work is all by subcutaneous injection. Dr. John V. Shoemaker, Materia Medica and Therapeutics, 7th Edition, 1908, page 205. Dr. Torald Sollmann, Text Book on Pharmacology and Some allied Sciences, 2nd Edition, 1908, pages 303-304. Dr. Maurice V. Tyrode, Pharmacology. The Action and Uses of

142 drugs, 1908. Dr. Frank Billings, Forchheimer's Therapeusis of Internal Diseases, 1906. Dr. R. Cushney, Pharmacology and Therapeutics or the Action of Drugs in Health and Disease, 6th Edition, 1915. Dr. Edward A. Schaffer, The Endocrine Organs, 1916. Those are the chief ones.

Q. You say that all those books say that this remedy has no effect if taken by the mouth?

A. No; they refer to the extracts that are introduced subcutaneously, and there is no literature to speak of on the others.

Q. Do any of those books that you refer to state that Testicular extracts, when taken by the mouth, have no effect?

A. No; not these that I have cited.

Q. You do not know of any books that say it?

Q. Yes; I will get the literature. I will look it up.

Q. You do not know of any right now?

A. I do not recall any right now, not in those words.

Q. The question that I was trying to get you to answer a while ago when you were shunted off was this; that the theory with reference to the thyroid glands is that by the injection of the extract of the thyroid gland into the system, supplying that which the defective gland has failed to supply, is the doctrine or theory that justifies that theory. Is not that true?

A. I do not understand the question.

143 Q. I will put it in another way. The theory of treatment by the secretions of the ductless glands is to give to the body that which the defective gland has failed to supply?

A. If it can be done, yes.

Q. If the testicles fail to supply the secretions which it is their function to supply, and if that secretion may be otherwise introduced into the body, then it ought, theoretically to have the same effect as the thyroid?

A. No; it would not have the same effect as the thyroid.

Q. I mean not the same effect, but the same kind of effect. In other words, it ought to do the thing which the testicular secretion would do if it were in a normal state?

A. Not necessarily.

Q. It ought not to do that?

A. No.

Q. If you should supply a body with the secretion which the testicles would formerly supply, would not that have the same effect as the secretion itself?

A. Well, it depends entirely upon the person. You might inject all kinds of testicular extract——

Q. Say a person was suffering——

Acting Solicitor Southerland: Let him answer that question.

By Mr. Mathias: Q. Well, I want you to answer the question, Doctor. You always start some other question.

144 You always start some other question.

A. No, I do not. For example, a person may produce a certain material or Harmone from the intestines when he is young. You can inject all of that same Harmone into the old man when he is eighty years old and it would not affect him.

Q. How do you know that?

A. It could not be done.

Q. Did you ever try it?

A. No, because it is a physiological impossibility.

Q. You do not know what that Harmone is, do you?
A. No.
Q. So you cannot say whether it would effect him or not?
A. We know very well that you cannot produce something where there isn't anything.
Acting Solicitor Southerland: Doctor, is it a matter of opinion or is it a matter of physiological fact?
The Witness: It is a matter of fact that you cannot make an old man young. It is simply impossible, I do not care what you put into it.
By Mr. Mathias: Q. Take the case of Brown-Sequard. Have you any doubt that when he injected that testucular secretion or extract in his leg that it had the effect upon him which he said it had?
A. Yes; it has been absolutely disproved; that he was absolutely mistaken.
145 Q. By whom has it been disproved?
A. The literature. You will find plenty literature by men who know more about it than I do.
Q. A great many people have tried out experiments, have they not?
A. No, not very many. They probably had the same effect, some secondary effect, on them.
Q. Have you read the history of his experiments?
A. I have read his own story.
Q. And you do not believe that story?
A. No; it has been shown that he was in error.
Q. By whom?
A. By many observers, that have studied the protein theory.
Mr. Nash: Have they tried that same experiment over again?
The Witness: Yes, they have tried it over and over again.
Mr. Nash: Unsuccessfully, do you mean to say?
The Witness: Yes.
Mr. Mathias: Where is there any record of that?
The Witness: Of what?
By Mr. Mathias: Q. That the experiment has been tried?
A. I did not say that.
Q. Do you not think that when he did that he was able to stand and work instead of sitting down and working, as he said he was?
A. I don't know. I have seen all kinds of statements
146 of a similar type made in connection with other drugs. That does not influence my mind a bit.

Q. You are determined to believe that this secretion from the testicles can have no effect whatever upon the system when injected into it, are you?

A. I do not say that.

Q. Are you not more or less dogmatic, Doctor, about the use of testicular extracts?

A. Not at all. I would like to see something to prove it.

Q. You have not answered by question.

A. I am getting along in years myself, I do not know but that I would like to get something myself some day.

Q. If a man is suffering by reason of the fact that his testicles have failed to furnish these secretions which it is their normal function to secrete, and you provide those secretions for the body in another way, would not that provision tend to alleviate the trouble that he was suffering from by reason of the failure of the testicles to secrete those secretions?

A. It depends entirely upon the condition of your patient.

Q. I am speaking generally now.

A. Generally speaking no. You mean those conditions that cause these things and I say no, because they are due to hundreds of causes.

Q. If a man is suffering from a malady caused by the failure of the thyroid gland to secrete its normal secre-
147 tions and then you give to that man extract of the thyroid gland to take its place, would not that help him any?

A. We know of only one condition that is the cause of that and one effect.

Q. Now, answer my question. I asked you whether it would help him any. Why do you not answer that yes or no instead of not answering it at all?

A. I did answer it.

Mr. Mathias: You did not answer that question.

Mr. Cos: Let him explain it, if he did.

Acting Solicitor Southerland: I think he gave an explanation in his answer. It was an explanation of the situation.

(At the request of Mr. Mathias, the stenographer thereupon read the last preceding question and answer.)

Mr. Mathias: How is that an answer? I want to know if it would help him or not.

Mr. Nash: Can that be answered yes or no, Doctor, and if so, answer it yes or no.

The Witness: The reason I answered the question the way I did was because it was a sort of a parappelism with the testicles and the two things are entirely different.

Mr. Mathias: I move to strike out that answer. I want him to answer my question.

The Witness: I will answer it yes.

By Mr. Mathias: Q. Now, you answered that question yes because you know that extracts from the thyroid gland do have a beneficial effect, do you not?

148 A. No.

Q. You do not know it?

A. No; I answered yes because I know,——

Mr. Mathias: I object to his explaining. I asked him if that——

Mr. Nash: You asked him a question and he is answering it.

Mr. Mathias: I will ask the stenographer to repeat the question and I want him to answer it and not some other question.

Mr. Nash: He is entitled to state his own position in the matter when you ask him the reason for making such an answer.

Mr. Mathias: I asked him if that was not the reason.

Mr. Cox: He is entitled to explain that. I think that is the rule.

Mr. Mathias: It is not a rule of law. It might be the rule here.

Acting Solicitor Southerland: He is entitled to qualify his answer if he feels that such qualification is necessary. If he cannot answer the question categorically or if he does and the answer needs qualification, certainly he can qualify it.

(The stenographer thereupon repeated the preceding question as follows:

"Now, you answered that yes because you know that extracts from the thyroid gland do have a beneficial effect, do you not?")

Mr. Mathias: I will ask him another question.

149 Acting Solicitor Southerland: Do you want to qualify that answer, Doctor? You say you do not do that the thyroid extract has the effect upon the thyroid gland, or supplies the substance, as I understand it.

The Witness: I know that the thyroid gland produces such agents, certain substances, which will favorably influence certain conditions which are due to a lack of a secretion from that gland.

By Mr. Mathias: Q. Do you not also know that the testicles produce certain secretions that are very important to the growth and development of a man?

A. Yes; that is true.

Q. Do you not also know that a man who has his sexual vigor, as a rule, lives longer, and is stronger and more energetic than a man who has lost his sexual vigor?

A. No sir; I do not. I know some men who are mighty vigorous, and they do not live longer, but they live a shorter length of time because they overdo it.

Q. Take a man that has gotten along in years, if he retains his sexual vigor, he looks younger, does he not?

A. You did not say that.

Q. I am asking you that now. A man that retains his sexual vigor to old age looks younger than a man who has lost it, does he not?

A. That is probably true. I have never inquired into all those questions of some of the older men.

Q. Do you pose as an expert on testicular extract?

150 A. No; I just pose as one having general knowledge of the subject and literature.

Q. Have you read any of Harrower's works on organotherapy?

A. No; I do not know the gentleman.

Mr. Nash: Would you mind stating who he is?

Mr. Mathias: He is a Fellow of the Royal Society of Medicine of London, sometimes Professor of Clinical Diagnosis, Loyola University, Chicago; member American Medical and Editor's Association, and so forth.

Mr. Nash: What is the date of the book you have?

Mr. Mathias: 1917.

By Mr. Mathias: Q. Did you ever read a work on the Organs of Internal secretions by Dr. Ivo Geike Cobb, 1917?

A. No; I have not read that one.

Mr. Nash: Who is he?

Mr. Mathias: He is late assistant to Out Patient Physician, The Middlesex Hospital, London. He is the English author on this subject. Dr. Harrower is the leading American author.

By Mr. Mathias: Q. Do you know of Dr. Arnold Lorand of Carlsbad, Austria?

A. Yes.

Q. How long have you known of him?

A. About fifteen years.

Q. Did you ever read any of his books on this subject?

151 A. Yes.

Q. Did you read his "Old Age Deferred?"

A. I have never read that book, I know of it.

Q. Generally, when a man has a sexual weakness he is also troubled with nervousness, is he not?

A. Well, they frequently go together.

Q. And one might be the cause of the other, might it not?

A. Yes.

Q. The sexual weakness might be the cause of the nervousness or the nervousness might be the cause of the sexual weakness?

A. That is right, but I might——

Q. In the ordinary case——

Mr. Cox: Let him qualify that answer.

The Witness: I want to say that your general questions do not apply to men who are advanced in years, because a person in advanced years may not be nervous at all and, at the same time, have lost his sexual ability.

By Mr.Mathias: Q. Do you know of any case of that kind?

A. Yes.

Q. How old was the man?

A. Sixty or Sixty-five.

Q. Did he work hard all the time?

A. Well, he was a pretty good worker.

Acting Solicitor Southerland: I did not understand your answer, Doctor, to mean that the two conditions were always present together. I understood you to say that they
152 might accompany each other.

The Witness: That is why I made the statement subsequently, because that inference might be drawn.

By Mr. Mathias: Q. If a man were nervous and also weak sexually, you would attribute the nervousness to the sexual weakness, would you not?

A. No; not necessarily.

Q. Do you not believe that the testicles secrete substances which if they cease to perform that function would tend to make a man nervous?

A. I do not know. I have no evidence one way or the other.

Q. You do not know either one way or the other with reference to that?

A. No.

Q. You said there was a grave doubt about this particular substance being absorbed?

A. Yes.

Q. You do not know whether it is or is not absorbed when it is taken internally?

A. I have pretty good reason for thinking that it is not.

Q. If you do not know what it is, what its composition is, how can you form any opinion one way or the other as to whether it is absorbed or not?

A. Well, we can form a pretty good opinion of those things.

153 Q. You can guess at it, that is all, is it not?

A. Well, it is a guess based on pretty substantial foundation.

Q. Assuming that the secretion of the testicles were similar to the secretions of the thyroid gland. Then would you say that such secretion could not be absorbed?

A. The assumption is not warranted.

Q. I am asking you to assume it.

A. I am not going to assume it.

Q. You are an expert, are you not?

A. You cannot assume it because they are not the same.

Q. Well, some authorities say that they are similar.

A. They are similar but they are not the same.

Acting Solicitor Southerland: Well, assume it for the purpose of this question.

By Mr. Mathias: Q. You do not know whether it could be absorbed or not, do you?

A. Except in a general way, because I have pretty good reasons for——

Q. You merely have an opinion on that, is not that so?

A. Well, it would be absorbed, but it will not be absorbed in the condition in which it occurs as produced in the testicles.

Q. What condition will it be in when it is produced?

A. Well, you have produced in the testicles certain phosphatic material. We know very well that that phosphatic

154 material when taken into the body is not absorbed from the intestinal canal in the same condition that it is in the intestines.

Q. Well, there are other secretions from the testicles besides that, are there not?

A. There possibly are.

Q. Do you know what they are?

A. We do not know them all, no.

Q. You could not tell whether they would be absorbed without knowing what they are?

A. We know some of them.

Q. Well, what do you now?

A. We know about spermatozoa, which is practically this material.

Q. Well, the spermatozoa is not any of the secretions——
A. Yes, it is. It is one product of the testicles.
Q. It is not a secretion in the same sense. It is a living thing, is it not?
A. No, it is a secretion from the testicles. It is produced in the testicles.
Q. Is it secreted?
A. Well, I don't know.
Q. It is a cell, is it not?
A. It is a cell, but it is secreted by the testicles.
Q. Is it secreted or produced?
A. Well, you can draw that fine distinction, but we know very well that those powdered testicles are not absorbed
155 in the form in which they are introduced into the alimentary canal.
Q. When you inject those spermatozoa, is it not a theory of those glandular substances that it is the spermatazoa that has the effect?
A. No, not spermatazoa.
Q. There are two kinds of cells, are there not, in the testicles? There is one that creates spermatazoa and there is another that has another function, that of secreting something that is absorbed in the system? Is not that so?
A. Yes.
Q. This something that is secreted and is absorbed in the system and is not the spermatozoa——
A. The Leydig cells.
Q. Do you know what that is?
A. We do not know what it is.
Q. Therefore, you could not tell whether that would be absorbed in the state in which it was secreted or in some other way, could you?
A. That we do not know.
Q. I have been trying for an hour to get you to say that.
A. You said the testicular material. You did not say that particular thing.
Acting Solicitor Southerland: But you do know that that particular thing is not contained in these tablets?
The Witness: No; we do not know that it is there at all.
156 Mr. Mathias: You do not know it is not there, do you?
The Witness: No; we cannot prove it one way or the other.
By Mr. Mathias: Q. You say they do not know what it is; they call it Harmone; they have never been isolated chem-

ically. When these tablets are prepared they take the testicles and desiccate them and dry them and all that is supposed to be there is there. What this particular substance is no chemist yet knows.

A. We do not know that it is there.

Q. You do not know that it is not there?

A. No.

Q. Testicular extract has been given in cases of tuberculosis, has it not?

A. Oh, yes; everything has been given a tryout in tuberculosis.

Q. And it has been given with success in some cases?

A. No sir; it has never been given with success.

Q. How do you know?

A. We know it is of no value in the treatment of tuberculosis.

Q. How do you know that?

A. We know that from the nature of the disease there is nothing in this product that could have effect on it.

Q. You do not know what is in the product.

A. We know pretty near what is in it.

Q. Assume that the testicular extract was a good
157 tonic; assume that that was a fact; then it would have some beneficial effect in tuberculosis, would it not?

A. No; tonics do not have any effect in tuberculosis, not the ordinary medical tonics.

Q. Say the testicular extract contains a substance which conduces to the metabolism of the system. Then you would say it was of use in tuberculosis?

A. Well, if it influenced metabolism, yes.

Q. You called attention to a statement on page 8 of the booklet entitled "Are You 100% Efficient" that "D. J. McCarthy (Int. Med. Mag., Nov. 1900) reports the successful treatment of tabes dorsalis, and sclerotic diseases." Do you say he did not report the successful treatment of those diseases?

A. No; I did not say that.

Q. Well, did you say that this statement is untrue that he reported successful treatment of those diseases?

A. No; what I meant to say was that this product, Organo Tablets, could not be used successfully for the treatment of locomotor ataxia.

Q. Did you say that Dr. McCarthy did not report successful treatment of those diseases?

A. No; I did not say that.

Q. Now, Doctor, do you say that this is untrue; "Nature intended man to retain all his powers and faculties unimpaired to an advanced age?" That is true, is it not?

A. No; it is not true. Nature does not expect him to retain his powers insofar as the sexual features are con-
158 cerned until an advanced age.

Q. Most men do, do they not?

A. Most men do not.

Q. What do you call an advanced age?

A. Well, seventy years old.

Q. You have read of cases of men over a hundred years old who are fathers of children?

A. Surely, but that does not cover that statement.

Q. Do you say that a man is not intended to retain all his powers and faculties unimpaired to an advanced age?

A. As a reproductive factor, no.

Q. Well, I do not agree with you on that. It is true that there are many men who appear to be prematurely old, is it not?

A. Yes; I agree with that.

Q. Now, what do you mean by "specific influence". Here is the quotation you made, "It has a specific influence upon the genito-urinary organs, but its general action is a powerful rejuvenator." What do you mean by "specific influence?"

A. Something of a definite character.

Q. Now, assume, Doctor, that this treatment had been given three hundred or four hundred men who were suffering from sexual weakness, and it had benefitted them so as to make them stronger. Would you not say that the benefit was a specific influence under those assumptions?

A. Yes.

Acting Solicitor Southerland: Do you not think that the conditions under which it was administered ought to be stated?

159 Mr. Mathias: No; regardless of that.

The Witness: But I would like to call your attention to the reading of this. You state part of it and not all of it.

By Mr. Mathias: Q. What part did I fail to state?

A. "It has a specific influence upon the genito-urinary organs." That means a great deal more than the reproductive organs. As a matter of fact, the reproductive organs cover far more than the genito-urinary organs; and they are not synonomous at all.

Q. The reproductive organs are a part of the genito-urinary organs, are they not?

A. The bladder would not be a part of them.

Q. But the testicles are a part of the genito-organs and the penis is a part of the genito organs?

A. That is perfectly true, but the bladder is not.

Q. And the penis is a part of the urinary organs?

A. Yes.

Q. And the only organ that is both genito and urinary is the penis, is it not?

A. No; it is the bladder.

Q. The bladder is not a genito organ, is it?

A. What is it?

Q. It is a urinary organ.

A. The bladder is genito.

Q. It is not genito?

A. Yes; it always belongs to the genito-urinary.

160 Mr. Nash: It is not a genito-organ, is it?

The Witness: It is not genito; it is urinary.

By Mr. Mathias: Q. So that the only organ that is both genital and urinary is the penis, is it not?

A. Yes.

Q. Now, in the effect in say three hundred cases of men suffering from the difficulty in getting an erection is to help and benefit, you would say it had a specific influence upon that organ, would you not?

A. Well, not the way we look at it as medical men, no.

Q. Well, as far as a layman is concerned.

A. It has no specific action on any special factor.

Q. Well, I am asking you to assume these things. I am not asking you whether they have, but to assume that that was the effect. "Organo Tablets have a special action on the glands of the reproductive organs". You say that you do not believe that?

A. No, but when taken with metabolism.

Q. Assume, Doctor, that three or four hundred men were suffering from weakness of their reproductive organs, and that they took Organo Tablets and the effect was to benefit that condition of weakness. Would you not say then that that was a special action on the glands of the reproductive organs?

A. That might be so considered.

Q. Do you say that it is an improper statement to tell a man that he should not hesitate to take the proper treat-

161 ment for nervous weakness, sexual decline and its accompanying ailments? Is that proper advice to give a man that he should do that?

A. I suppose it is good advice.

Q. Is it not proper to tell a man not to let pride interfere with his seeking a cure? That is proper advice, is it not?

A. I suppose so. I do not know that I am in a position to answer that question directly.

Q. Well, you criticised that a while ago.

Mr. Nash: From another standpoint.

Mr. Cox: You offer your products to them.

The Witness: Will you give me the statement of that?

By Mr. Mathias: Q. That was on page 13 where it says, "Do not let false pride stop you from being cured."

A. The statement I made there was that it is held out as a cure.

Q. Well, there is nothing in that that holds it out as a cure.

A. If it is not, I do not know what it is.

Q. It says, "Do not let false pride stop you from being cured." "From this it will be seen that no man should hesitate to take the proper treatment for nervous weakness, sexual decline and its accompanying ailments."

A. By using Organo Tablets.

Q. It does not say that.

A. Well, the inference is there.

Mr. Mathias: Well, it is all right to have that infer-
162 ence.

Acting Solicitor Southerland: That is a matter of argument, Mr. Mathias.

By Mr. Mathias: Q. This statement is true is it not? "In a general sense no man is fitted for the duties of life, if he has grown old before his time, or if he suffers from any of those weaknesses peculiar to men, such as sexual decline or weakened manhood, urinary disorders, lame back, unnatural losses, and so forth, that sap the strength and exhaust the vitality and nerve force."

A. Yes; I think so.

Q. Now, you criticised this statement: "The timely use of Organo Tablets for a reasonable length of time, seldom fails in invigorating the functions of the body bringing about tissue repair, so that those parts that are weak, are strengthened and restored to their normal condition." I will ask you to assume that a number of men who are suffering from nervo-sexual troubles take Organo Tablets and, as the result thereof, report that they have been benefited or cured of their disorders. Then, would you not say that a man was justified in saying that the use of Organo Tablets for a reasonable

time seldom fails in invigorating the functions of the body?

A. But that was not the point I brought out.

Q. But I am asking you now to assume those facts. Would you not say that he would be justified in making that statement?

A. No; I do not think so.

163 Q. To arrive at that conclusion under the circumstances would be empirical, would it not?

A. To arrive at it from your point of view?

Q. Yes.

A. Yes.

Q. Now then, the efficacy and usefulness of those drugs in the medical profession have been derived empirically, have they not?

A. Entirely?

Q. To a considerable extent.

A. Did you finish your question?

Q. Yes.

A. I did not get it.

(The stenographer thereupon repeated the question as follows:

"Now, then, the efficacy and usefulness of those drugs in the medical profession have been derived empirically, have they not?"

The Witness: To quite a large extent, yes, that is true.

By Mr. Mathias: Q. Now, the manner in which you arrive at a conclusion empirically is to give the drug time and again to observe its effects, is it not?

A. Under those conditions, yes.

Q. And if its effects are similar in each case, then you come to the conclusion that the drug has an effect indicated by that similarity?

A. Under same conditions, yes; under known conditions.

164 Q. If a number of men who were affected with weakened sexual parts, or nervo-sexual troubles, take a remedy, regardless of what it was, in the same doses, at the same times, under similar circumstances, and were all improved by the use of the treatment, then you would conclude scientifically, as far as your profession is concerned, that the treatment was the cause of the change in the condition, would you not?

A. Let me get that question.

(The stenographer thereupon repeated the last preceding question.)

The Witness: Yes and no.

Mr. Cox: Explain that.

The Witness: If we know definitely that a given number of people are suffering from the same cause and we know they are suffering from that cause and they are treated under proper supervision by men who have knowledge of the thing and know the exact situation in which the drug was taken and then the observation is that they have been improved, yes.

Mr. Cox: And no. Well, that answers itself.

The Witness: Yes, that answers itself.

By Mr. Mathias: Q. With reference to testimonials now. Most of the testimonials that you referred to in your testimony were those that had been solicited, were they not?

A. No, not at all.

Q. You say that unsolicited testimonials accompanying re-
orders for a medicine in which it is stated that they
165 have been benefitted by the use of the medicine were not worthy of belief?

A. I would say that, absolutely.

Q. Well, what kind of testimonials would you give any belief to?

A. That is testimonials that are based upon reliable data.

Q. In other words, you would not believe any patient with respect to any statement which he might make as to his physical condition after taking any medicine?

A. You make the statement entirely too broad with reference to any statements.

Q. If you give a patient medicine and he comes and tells you he is feeling worse, would you believe him?

A. I think so.

Q. If he would come to you and tell you that he was feeling better, would you believe him?

A. I think I would qualify my other answer. I would say yes and no, and the same answer to your second question. A person may think that he is feeling better when, as a matter of fact, he is not.

Q. Thinking he is feeling better is just as good as being well, is it not?

A. Not much. Thinking we whipped the Huns was quite a good deal different from whipping them.

Q. That is quite a good deal different from being well.

When a man thinks he is quite well he does not come to you, Doctor, does he?

A. That is probably true.

166 Q. The mind has a tremendous influence upon the health of the body, has it not?

A. It has an influence; whether it has a tremendous one or not I do not know.

Mr. Mathias: That is all I want to ask you, Doctor.

Acting Solicitor Southerland: Is there any redirect examination.

Mr. Nash: No redirect.

(Witness excused.)

(Thereupon at 1:30 o'clock P. M., a recess was taken until 2:30 o'clock p. m.

---

167 After recess.

Wednesday, May 21, 1919.

At the expiration of the recess, the hearing was resumed; the same parties being present as aforesaid.

DR. GLEASON C. LAKE was produced as a witness on behalf of the Government, and upon examination testified as follows:

By Mr. Nash: Q. Where do you live, Doctor?

A. Washington, D. C.

Q. Are you in the Government service?

A. Yes sir.

Q. Where are you working now?

A. I am in the United States Public Health service, and at the present time am at the Hygienic Laboratory.

Q. How long have you been in the Government service, Doctor?

A. Since January, 1915.

Q. Will you state, briefly, your education and experience before that time.

A. I graduated in 1907, A. B. with major and biological chemistry.

Q. What institutes?

A. At Colorado College. For the next few years my work was devoted—well, Iwas at the Northwestern University Med-

ical School then for a short time but quit to accept a posi-
168 tion in chemistry and bacteriology for a few years with the City Board of Health at Colorado Springs, Colorado.

Mr. Mathias: What years were those?

The Witness: That was from 1908 to 1911.

Mr. Mathias: What was that position?

The Witness: Chemist and bacteriologist for the City of Colorado Springs. From 1911 until sometime in 1914 I was at Chicago, during which time I completed my medical course at Rush Medical College and the University of Chicago.

Mr. Mathias: You graduated in what year?

The Witness: I graduated in 1914.

By Mr. Nash: Q. With a degree of M. D.?

A. With a degree of M. D., and I also took a lot of scientific work which applied on a Ph. D. which I received from the University of Chicago last December, in the subjects of pathology and pharmacology. My clinical experiences has not been very much. I was in the Presbyterian Hospital at Chicago and in a hospital at Denver on some other work for about twelve months. My medical courses were practically completed about January, 1914 and I did some medical work before I got my degree; so that the big part of it has been scientific work.

Since 1915, in January, I have been in the Public Health Service, during which time my work has been principally scientific, with the exception of the time that I have been out on the study of such epidemics as influenza, cerebral-
spinal meningitis and similar epidemics. I worked
169 under Professor Voegtlin, Professor of Pharmacology at the Hygienic Laboratory for probably a total of three years and since that time I have been with the Government.

Q. Have you done any teaching, Doctor?

A. Yes; I was on the staff of Ruch Medical all the time that I was there as assistant in pathology and under Jordan in bacteriology.

Mr. Mathias: Regularly?

The Witness: Yes.

By Mr. Nash: Q. Doctor, you are somewhat familiar, from statements made here, with the character of the case we have under investigation. I would like you to explain to the Court, in your own way, what you understand by the medical terms "impotency" and "lost manhood".

A. I would agree with the definition of impotency given

this morning. It is inability to perform the sexual act. It does not involve any question of sterility. Lost manhood is, in a rough sense, probably about the same thing, but as it is ordinarily used it may go over into the psychic side a great deal more.

Mr. Mathias: Loss of manhood is impotency in a man that was once potent, is it not?

The Witness: Yes; I would take it to be that; otherwise, you would never know that he had any.

Q. It is not a term ordinarily used by the medical profession, Doctor, is it?

A. No.

170 Q. Is this condition of impotency a condition that arises from just one thing in every case, Doctor or does it arise from more than one thing?

A. There is certainly more than one cause.

Q. Will you name some of the different things that may result in impotency?

A. Well, of course, old age would come before everything else under the head of senility, and might almost be called phsyiologic to the extent that a man is expected to be impotent in his old years, but there is no definite time when you can say that he becomes old. One man may be old at fifty and another at eighty.

Q. It varies with the individuals?

A. You might give that as the most important, and probably next to that the psychical side, I presume, would come in. It is extensively considered in most of the works on legal medicine, and Dr. Kebler brought out some of the points this morning, that is impotency being caused by the psychical condition. There is no anatomical reason at all why he should be impotent. Then there are the cases that are actually due to disease, such as prostatitis and occuring in connection with a good many of the wasting diseases; of course, they are pathological.

Q. Do you know of any one remedy that will relieve all of these causes, Doctor?

A. No sir.

Q. In what is it possible to treat this infection?

A. Well, it would be impossible to treat it without making a diagnosis of the condition which causes the

171 impotency.

Q. Why is that Doctor?

A. You could not expect to cure any disease without removing the cause. Take one of the types mentioned, old age. You would have to make a man young again. We might put it roughly that way. If it is due to an anatomical condition, that might possibly be removed. I understand that it has been connected with undescended testicle, and that after operation some of those cases improved. Where this undescended testicle did not function, then later on some of those cases have had a healthy normal testicle put in in place of this diseased testicle with favorable results. If it were due to disease of the prostate or urethra, and so forth, some of those cases might be improved by treatment. The big number of cases, though, where treatment may be expected are those which are tied with mental state and which yield to psychical analysis and suggestion and psycho-therapy.

Q. Is there and internal remedy that you know of that would relieve those conditions?

A. No. I would have to qualify that to some extent. Suppose it were due to hookworm disease. Here is a patient in an anaemic condition, probably all run down, and you treat that man with thymol and remove his hookworm. He regains his health and with it his potency or his sexual vitality.

Q. Referring particularly to those cases in which you state that psychic treatment is necessary, what value would internal medication have in those cases?

172 A. Well, just to the extent that it affected his mental condition. If he had faith in it and thought it was going to improve him, and he had no pathological or anatomical defects, it might work like a charm in certain cases, irrespective of what the drug was.

Q. It would not be the result of the medicine, but the result of his thoughts?

A. Yes. In other words, it would simply be a form of psycho-therapy.

Q. Then, if a neutral substance were given to the man it would have the same effect as though he were given some remedy in a case of that kind?

A. Well, remedy implies that it might have some effect in curing him.

Q. Assume that it did not?

A. If you substitute the word "drug", I would say probably so.

Q. Well, I will substitute the word "drug". Do you know

of any other conditions, Doctor, similar to that of hookworm where it is possible to find out just what the cause is and remove that cause?

A. Well, in a general way, that something might be due to any disease which can be cured; pellagra, for example, or malaria, especially of the malignant type; that is where the impotency is really only one of the symptoms in connection with the disease which can be cured by a potent drug.

Q. What do you understand by the term "Neurasthenia", Doctor?

173 A. I hesitate to try to define it because there are possibly as many definitions as there are experts on the subject. The conception a few years ago was that it was really a condition where there were no pathological changes in the cells of the central nervous system, and so forth, to account for it, but later works, especially that of Crile of Cleveland, would make it appear possible at least that in a good many of those cases there are really fine histological changes in the cells of the cervical cortex. It is also generally accepted now that those conditions are apt to arise in persons of constitutional psychopathic inferiority. The people that developed shell shock in the recent war, for example, most of those people, after the case was carefully studied, were found to have had certain defects, certain things which pointed to the fact that their brain or mental development was not up to the normal, and so that an injury or an excitement or something that would not affect a perfectly normal person would bring on a condition which might be called neurasthenia or psychoneurosis of some certain type.

Q. Do you regard it as essential in treating cases of neurasthenia to make a personal diagnosis of the patient's condition?

A. That is probably the most important part of it. There has been a great deal written on that subject in recent years. Brill has been one of the best writers on the subject in the United States. The idea brought out was that the case had

174 to be analyzed and you had to find out what was the real cause of the neurosis; and if you could find the cause then by mental suggestion or by explaining to the patient that his case was not really an important one you could remove the disability, which might be sexual impotency in one and which might be blindness in the other. A man might not be able to see a thing and after you have analyzed his case

and given him treatment he may see all right. That accounts for these cases that you have seen described in the papers in the last two or three years where a man was blind after shell shock and his sight was restored in twenty-four hours.

Q. Is sexual debility always concomitant with nervous condition?

A. Yes sir.

Q. Is there any constant relation between those two conditions?

A. Well, it should be stated that not impotency but neurasthenia in general, and especially psycho-neurosis, are associated with things relating to sexual conditions and religious matters more than any other two subjects. I think that could be stated as a general proposition.

Q. The term "genito-urinary disease", Doctor, is a term which indicates conditions that all arise from the same cause? Or is there more than one cause?

A. No; there are a large number of causes which bring about genito-urinary disease; that is tuberculosis, syphilis, gonorrhea, and a large number of diseases.

Q. And in order to treat those diseases it is necessary to distinguish the cause and treat it?

A. It is.

175 Q. The treatment would not be alike with relation to all of those different causes?

A. No sir.

Q. Has the condition of the patient anything to do with the nature of the treatment applied in these cases?

A. Yes sir.

Q. There may be other complications that must be taken into account. Is that what you mean?

A. I do not know just what you mean by the condition of the patient, whether you mean his mental or his physical condition.

Q. I mean the condition of the patient as it affects the diagnosis made by the physician on personal examination. For instance, would you treat a man who was leading a sedentary life at a desk all day in the same way in all cases that you would treat a big robust individual who worked on a farm all day?

A. It would depend on what the disease was. If it were syphilis you would treat it in the same way. Inasmuch as many of these psycho-neurotic conditions are tied up with

constipation to some extent, there the treatment would be somewhat different.

Acting Solicitor Southerland: But you would not treat every case of syphilis in the same way?

The Witness: No; that would depend entirely on the stage of the disease.

By Mr. Nash: Q. Is not that true with respect to neurasthenic conditions also, Doctor?

176 A. Neurasthenia conditions involve individual treatment. That is true of that particular case probably more than any other kind of disease we have. Syphilis may depend on the use of certain specific drugs, whereas in these other conditions it is not a case of specific drug at all.

Q. Coming down to this particular case, Doctor, the nature of the treatment sold has been described to some extent, and you are somewhat familiar with it since you were here during the hearing this morning. What value do you consider such a treatment taken through the mouth?

A. Now, may I ask for that question again?

(The stenographer thereupon repeated the last preceding question.)

By Mr. Nash: Q. Are you familiar with the treatment?

A. Yes; I understand your question now. I would say none except in so far as it acted on his mental state. I mean by that in the nature of suggestion or psychic treatment.

Q. If that is true, the remedy itself would not be the real cause of the change in the patient's condition?

A. No sir.

Q. In other words, a substance not medicinal at all would have the same effect?

A. Exactly.

Q. Are you familiar with any of the literature upon this subject, Doctor?

A. In a general way.

Q. Do you know of any reputable men that prescribe

177 that material taken in this way?

A. I do not.

Q. Do you know whether or not there have been in the past any medical men who have done so?

A. I do not. What little work was done was done by scientific men, and the thing never came to be used by physicians in general.

Q. Do you know the reason for that if there was any, Doctor?

A. It is the concensus of opinion among scientific men that the first work done on that by Brown-Sequard, which was given a great deal of credence because of his very high reputation as a physiologist—that work has been disproved since, and is not considered seriously by any of the reputable scientific men of today, so far as I know. For example, Professor Voegtlin, Professor of Pharmacology at the Hygienic Laboratory, who is quite familiar with all questions of that sort, informed us that that was his opinion and that it was generally held.

Q. Let us assume that this preparation would, in fact, reach the testicles in some form, or even if it did not reach the testicles that it would have some stimulating or tonic effect upon the reproductive organs. In that event could it be truthfully said that the remedy or treatment would cure the different troubles that could be classed under the general terms genito-urinary affections and neurasthenia and nervous debility?

A. No.

Q. Why?

178 A. Because it does not involve a diagnosis of those different cases. In other words, you do not know what caused the impotency. Let me see. I am not sure that I got all of that question.

(The stenographer thereupon repeated the question as follows:

"Let us assume that this preparation would, in fact, reach the testicles in some form, or even if it did not reach the testicles that it would have some stimulating or tonic effect upon the reproductive organs. In that event could it be truthfully said that the remedy or treatment would cure the different troubles that could be classed under the general terms genito-urinary affections and neurasthenia and nervous debility?"

The Witness: Then the answer that I made is O. K.

By Mr. Nash: Q. And I understood your statement to be that because you did not know the cause behind the symptoms?

A. But the important part of that question was would it cure the conditions. That was included in your question?

Q. Yes.

A. So that the answer no, without qualifications there, would be correct. I simply added the explanation to make it a little plainer.

Q. Is there any one treatment of any kind that could possibly cure all of these affections, Doctor?

A. No.

Q. Will you state why that is your belief?

A. Well, for example, suppose it were due to disease
179 of the prostate, which is a very common affection in old men and occurs at about the same time that sexual impotency occurs, at least in a good man cases. There the treatment is surgical. There is no drug which will have any effect on it. Take the illustration I mentioned a while ago of some disease such as hookworm disease. Then no treatment would do any good that did not kill his hookworm.

Acting Solicitor Southerland: In other words, you have to get at the cause and remove the cause?

The Witness: You have to remove the cause.

By Mr. Nash: Q. There are certain conditions in which you cannot arrive at the cause, are there not?

A. There are certain cases where the doctor is unable to make a diagnosis, even an expert.

Q. But he does the best he can and excludes other causes as far as possible?

A. That is what he is supposed to do.

Q. Do you agree with Dr. Kebler that locomotor ataxia would not respond to that treatment?

A. Certainly.

Q. What treatment would it respond to?

A. I could not respond to any. The most that you could hope to do would be to arrest the symptoms and keep them from progressing any further. That is, it is due to degeneration of the nerve cells, and there is no experimental evidence to show that nerve cells can be regenerated under any circumstances, consequently, the most you could hope to do would be to give a drug which would kill treponema pallidum.

180 Q. What do you think of the value of this treatment in tuberculosis, Doctor?

A. Absolutely worthless.

Q. What do you think would be its value in developing undeveloped parts?

A. What do you mean by "parts"?

Q. I think the reference in the booklet is to the private parts, the sexual or reproductive parts.

A. I do not see how it could have any effect on them. I think that question might be qualified further, though, by stating as given by the mouth, to make it absolutely clear.

Q. What would be its value in the treatment of atrophy in the reproductive organs?

A. Even assuming that it might have some, you would have to know what was the cause of the atrophy. I assume, too, that that means the drug given by mouth?

Q. Yes sir.

A. I would say none.

Mr. Cox: I understood your brief to state, Mr. Mathias, that Organo Tablets are the same as the Orchis Extract in the old case?

Mr. Mathias: Yes.

Mr. Cox: And that the tablets were made up of orchis substance with sugar and milk as a—

Mr. Mathias: As a binder. That is the way I understand it.

Mr. Cox: And that is all that these tablets contain?

Mr. Mathias: Yes; that is the way I understand it.

181 Mr. Cox: In testifying you so understood that, did you not Doctor, that that was the composition of the tablets?

The Witness: I have not heard anything very definite about the composition of these tablets.

Mr. Cox: I mean as to the chemical analysis. Have you had a chemical analysis of the old tablets made, Mr. Mathias? If there is anything different in the new tablets, we would like to know it. In your brief you say it is the same thing.

Acting Solicitor Southerland: What did you assume this medicine to be, Doctor?

The Witness: Well, it was mentioned as extract of testicles. So I presume that on analysis it would be shown to be composed of a certain amount of proteins and a small amount of salts or phosphorus in some form. There has been a substance isolated by the name of spermin and another by the name of in small amounts from the testicles. It will be impossible on analysis to find all of those things. That is one thing I would like to ask about; what per cent of proteins are present, and whether organic matter and whether they exist as albumen or what not.

Acting Solicitor Southerland: Are you familiar with the

analysis of the component parts of the ordinary orchitic tablets put out by Parke, Davis & Company?

The Witness: I am not.

Acting Solicitor Southerland: And that put out by the Organo Product Company?

182 The Witness: No; I have never seen a report of an analysis by competent chemists.

Mr. Cox: I want to offer right here at this point as "Government Exhibit No. 16" the analysis made by the Department of Agriculture, the Bureau of Chemistry, which I now have before me, and I want to hand Dr. Lake this analysis, showing the component parts of this treatment and ask him, after looking at them, if keeping in mind that that was the treatment, his answers as already given would be the same.

The Witness: Yes; this would not modify my answers so far.

By Mr. Nash: Q. Doctor, what would you say as to the representation that this is a compound which is readily absorbed and assimulated?

A. Well, it depends to some extent on just what form this animal tissue is in. I do not see any very good reason why most of it might not simply be digested. Sugar of milk, of course, would be readily assimulated. There is no reason why the protein could not be broken down in its ultimate proportions, the amino-acids, and absorbed as such, but those amino-acids might be just the same as you would get from breaking down a similar amount of some other protein. In other words, the parts that were absorbed would not represent a specific product.

Q. The specific secretion of testicles, is that what you mean?

A. No; it might be digested. Snake venom when given
183 internally is non-toxic, but you give that into the blood stream and you can kill your man. Right along that point, and taking up this question of the thyroid which has been referred to, that is probably the one thing which could be taken by the intestinal route and produce results. The recent work of Kendall of the Rochester Institute, in connection with the Mayo Brothers of Rochester, Minnesota, has brought out the fact that apparently the important part of the thyroid gland is a chemical substance. It is an iodine compound and he has actually worked out the structural formula of it, and his work is pretty generally accepted.

Mr. Nash: You may take the witness.

Acting Solicitor Southerland: How does that last answer of yours, Doctor, apply to this particular formula which you have just had before you? Might not the same be true of this as you have just stated is true of the thyroid?

The Witness: No; I do not believe it could be, because I think even years before they knew that the thyroid gland would give good results in cases they knew that giving iodine in certain forms would give the results. That is, there was a chemical basis there, and a lot of earlier works on the analysis of the thyroid gland was to determine as accurately as possible the amount of iodine, but it was only recently that they have found out what form that iodine was in. I do not see that there would be anyway of stating that this would not be true of this product as salt or calcium carbonate or any
184 other case that you might take. There is no reason for thinking that you would get a result which would be comparable to the internal secretion of the testicles.

Cross-Examination by Mr. Mathias.

Q. Doctor, in the case of the thyroid, some people have more iodine in their thyroid secretions than others, depending on the age and condition of the person? Is not that so?

A. I think that is true.

Q. And for a long time they were of the opinion that it was not protein in the thyroid gland that caused the effects of taking that remedy? Is not that true?

A. Well, there was a difference of opinion on that. It was always stated between the protein and the iodine content.

Q. Now the opinion is that it is a chemical effect, is it not?

A. I think that is probably the last opinion.

Q. Do not a good many physicians entertain the idea that secretions from the testicles likewise have a chemical effect?

A. I do not believe so.

Q. This analysis here contains, as you observe, the animal tissue and also phosphates of different kinds. You noticed that, did you not?

A. I did not notice it. I thought it was given as inorganic salts. (After examining the analysis): Yes.

185 Q. Those phosphates might come from the testicles, might they not? They contain phosphate of different kinds, do they not?

A. Yes; according to that analysis. However, I judge that

that is on the basis of an analysis of the testicles of a ram and not human testicles, and there might be some differences.

Q. Did you ever analyze yourself the testicles of any animals?

A. No, sir.

Q. How do you know that they do contain phosphates of different kinds?

A. Well, I know that that one does because there is the analysis.

Q. Do you not know that other analyses of testicles have shown that they also contain phosphates?

A. I do not doubt but that they do, because any tissue of the body contains some phosphates.

Q. Now, there is not anything, you say, in this analysis that could not be absorbed?

A. No, but is not absorbed as such. That is, it might ultimately be absorbed after being broken down.

Q. You know it is a fact that the so-called Hormone of the testicles has never been isolated, do you not?

A. Yes.

Q. And as far as you are advised that might be a chemical element, might it not, as well as anything else?

A. Well, in the board sense it would have to be, be-
186 cause any constituent of the body is a chemical element, absolutely any, or composed of chemical elements.

Q. If you were going to determine whether or not you would give a remedy by hypodermic injection or through the mouth, would it make any difference in the relative quantities that you should give?

A. It would.

Q. You would give more through the mouth than hypodermically?

A. Yes sir.

Q. And the reason for that is that part of it might be lost or carried out through the intestinal tract?

A. That is one reason, and the rate of absorption of course, is an important thing, that is the action of the drug is dependent on the concentration of it in the blood at any given time.

Q. And if the blood were not in a position where it would take it up, it would not absorb it? Is that what you mean?

A. That is it.

Q. If it had a so-called saturated solution?

A. Well, it would not get to that state with most drugs, of

course; but I mean you have to have a certain amount of morphine, strychnine or alcohol in the circulating blood to produce the effect. If you put it directly into the blood, of course, it takes a smaller amount.

Q. What is talcum used for in tablets, a drier?

A. Just to give it body more than anything else.

187 Q. That has a tendency to keep moisture from disintegrating it, does it not?

A. It may to some extent. I am not certain about that.

Q. They sometimes put talcum in salt, do they not?

A. I cannot answer that. My idea was that starch was the material that was most commonly put in, but I cannot tell you about the talcum. I think the talcum would have no effect one way or the other. That is, talcum is a material which is not taken up; it has no activity in the circulating fluid.

Q. Have you made any study of organotherapy, specially?

A. Yes; I did carry out a set of experiments at one time that might come under that term.

Q. When was that?

A. About 1913.

Q. That was before you graduated?

A. Yes sir.

Q. Were they laboratory experiments?

A. Yes sir.

Q. How long did you work on them?

A. About a year.

Q. Did you ever try out any treatment of organo-therapy?

A. No, because the results we got on experimental animals were negative. Consequently, there was no justification for trying it on humans.

Q. In those experiments did you make any experiments with the thyroid extracts?

188 A. No.

Q. Are they not effective in animals?

A. They produce certain effects.

Q. Did you ever make any experiments of dissecting out of living animals parts or the whole of any ductless glands?

A. No.

Q. I mean in order to see what the effects were upon the system?

A. I did not.

Q. Organotherapy has become an important branch of medical science, has it not?

A. I should say not, because a good deal of the work along

that line has been disproved. You might cite Bebee of New York on his treatment of malignant thyroid disease or hypothyroid disease.

Q. Do they not still use thyroid extract?

A. Yes, but I am speaking about organotherapy now possibly in a little difference sense than you are.

Q. The thyroid treatment is a part of organotherapy, is it not?

A. Yes.

Mr. Cox: You started to say something about this New York man.

The Witness: Bebee's proposition was to inject sheep with nucleo-proteins which were isolated from the thyroid gland, and he claimed that the protein and serum from those animals when injected into person suffering with hyperthy-
189 acted specifically on the thyroid gland and in a favorable way reduced the symptoms of the disease, and then next he did some work with cancer along the same line but his work could not be checked up. But the piece of work I mentioned while I lived in Chicago was an attempt to confirm or disprove some of Bebee's work and with negative results. And Dr. Portis of Chicago, did some work along the same line. That is, he repeated Bebee's experiments as nearly as possible and the results were absolutely negative. Nobody was able to confirm Bebee's results, and then when he branched over into the cancer thing he went into disrepute and was expelled from all scientific societies as a disgrace to the profession.

By Mr. Mathias: Q. The study of what is called the endocrine system has been carried on a good deal in recent years, has it not?

A. Yes sir.

Q. And it was not until after Brown-Sequard made his experiments that they began a very great study of that subject?

A. No; most of that has been done probably in the last ten years.

Q. Would you say that this is a correct statement: "Undoubtedly the most radical as well as important advance in medicine is our better knowledge of the endocrine system—that interlocking, though widely separated, collection of glands of internal secretion which we now know is in supreme control of growth, both physical and mental;"

A. I think that statement is a little bit strong.

190 Q. In what respect?

A. Read the first part of it.

Q. "Undoubtedly the most radical as well as important advance in medicine is our better knowledge of the endocrine system."

A. Well, I can think of a number of things that would be more important than that.

Q. What, for instance?

A. Well, the treatment of pellagra, for example; the use of 606 for the treatment of syphilis.

Q. Those are germ diseases?

A. Pellagra is not a germ disease.

Q. It comes from eating substances that do not contain the necessary chemical elements to nourish the body, does it not?

A. Probably.

Q. What is that Chinese disease that comes from eating polished rice?

A. Beriberi

Q. And that can be cured by feeding them the husks that are ground off the polished rice?

A. Yes sir.

Q. What is that disease that comes from eating too much white bread?

A. Well, it has been described as ship beriberi. As a matter of fact, it may be pellagra in some cases; in other cases it may be undistinguishable from beriberi.

Q. That comes from lack of chemical elements necessary to carry on the metabolism to the body, does it not?

191 A. All the evidence points that way.

Q. To read further from that quotation: "That interlocking, though widely separated, collection of glands of internal secretion which we now know is in supreme control of growth, both physical and mental; metabolism; the sympathetic nervous system, with its regulation of vascular tone and blood pressure; as well as the indefinite and complex factors gathered together into the one well-known term 'constitution.' The hormones produced by these wonderful glands are secreted into the blood and serve to correlate function and harmonize many of the widely differing functions of the body. Their chemical messages are of such a nature that to ignore them and their subtle influence is to miss a very large and important part of the information which may be at the disposal of any observant physician." Is not that true?

A. I do not know. I can say that this is based to a considerable extent on theoretical considerations.

Q. Well, would you say that if you knew that the author of this book had made a great many practical experiments in the treatment of diseases with the secretions of the ductless gland?

A. I would still say that because he could not have covered the whole subject even if he worked two or three lifetimes.

Q. You would say that his practical experiments with definite results would be of no value?

A. I would not say that, but I would have to know exactly what his experiments were and how they were controlled
192 before I would be able to pass an opinion on them.

Q. Did you ever hear of Hallion's Law?

A. I do not believe I have. If I have I have forgotten.

Q. See if this refreshes your recollection:

"By far the greatest principle is that of 'homostimulation,' which is included in what has come to be known as Hallion's law, which is as follows: 'Extracts of an organ exert on the same organ an exciting influence which lasts for a longer or shorter time. When the organ is insufficient it is conceivable that this influence augments its action, and when it is injured, that it favors its restoration.'"

A. Well, there is some truth in that.

Q. Then to continue:

"This has been demonstrated experimentally and clinically so many times, that it is almost axiomatic, though it is not infallible, and may still be criticized occasionally by some. Granting what Hallion has said, functional insufficiencies of many of these organs may be expected to be favorably influenced by giving suitable doses of the corresponding gland secured from animals."

A. That is largely theoretical.

Q. Well, is it based on a sound theory?

A. Some of it, but it is a wide generalization.

Q. Well, that is a generalization, certainly. It is in the introduction of this book. Now what would you say as to this?

193 "Closely allied to this is another slightly different phase of organotherapy. Frequently it is not sufficient to attempt to stimulate a lagging gland. One must replace, in part at least, the missing substance that it should have been furnishing to the body."

Is that correct?

A. That is his definition of it.

Q. "In conditions like certinism or infantilism where the thyroid or gonads are absent, one can measurably restore the activity that is reduced or absent because of the lack of the harmone stimuli from the glands in question." Is that true?

A. That is probably true in the case of the thyroid.

Q. "In severe functional conditions we expect to benefit from organotherapy in at least two ways—by substituting for the missing hormones, and, also, by causing what is known as homostimulation, the principle so well described in Hallion's law just quoted." Is that true?

A. We do not know. The first part of it is probably more nearly—that is, in case of the thyroid,—substituting the active principle has shown favorable results in selected cases.

Q. What would you say as to this:

"Again the chemical substances produced in the normal physiologic action of certain of the ductless glands have a definite pharmacological action and its application in medicine is the so-called 'specific organotherapy,' for the influence of the drug—these extracts must be considered purely as drugs
—favors some desirable action as, for instance, the stim-
194 lation of the uterus with the posterior pituitary principle during a delayed labor."

Is that true?

A. The specific instance that he gives has some truth in it, but the generalization I do not believe is warranted.

Q. Now, are you familiar with the experiments that have been made with extracts from the ductless glands concerning shell shock?

A. No.

Q. Did you ever hear of a man by the name of T. R. Elliott, of London?

A. I do not know.

Q. Or a man by the name of Cannon, of Harvard?

A. Yes sir.

Q. Are they men of standing in the profession?

A. Cannon is an authority in physiology. I do not know anything about the other man.

Q. Did you ever hear of a man by the name of Elliott Smith, of Manchester?

A. No; I do not recall him.

Q. Did you ever hear of a man by the name of Renon, a French physician?

A. No; I am not familiar with his work.

Q. Are you familiar with any of his works on organotherapy?

A. No.

Q. Did you ever hear of War neurasthenia?

A. Yes sir.

Q. What would you say as to this?

195 "Among the usual symptoms enumerated by Renon as being due to this "war neurasthenia' are several which can be quickly connected with the endocrine organs."

A. I would say that it would take considerable truth to show that.

Q. "A progressive loss of weight is the rule—the glands of internal secretion control both nutrition and growth; the temperament is changed and the disposition becomes uncertain—mental stability and activity are commonly connected with ductless glandular dyscrasias; arterial tension is reduced—common both in pluriglandular insufficiency and in hypoadrenia; dermography is reported to be nearly always present—one of the typical manifestations of severe adrenal depletion is the dermographic sign first mentioned by Sargent, and called by him la ligne blanche surrenale. I cannot but believe that the most constant single factor, and one that is quite susceptible to treatment, in 'shell shock' or 'war neurasthenia,' is pluriglandular insufficiency."

What would you say to that?

A. I would say that he had no proof on which to base that statement.

Q. Now, what would you say to this?

"That this conception of the relation of neurasthenia to the internal secretions is coming to be more generally accepted may be noted from a recent editorial in the Journal of the American Medical Association, which comments favorably upon a paper by T. A. Williams, of Washington, describ-

196 ing the disorder as a syndrome of adrenal insufficiency. Williams very aptly remarks that the term 'neurasthenia' is only a 'convenient cloak for failure to investigate the case sufficiently,' and that there must be some tangible cause. He concludes that many patients who show symptoms of neurasthenia with low blood pressure, loss of mental elasticity, mental and physical depression, and who tell of having lost their nerve,' are very frequently suffering from adrenal insufficiency. He has given a dried adrenal substance in such cases, and has noted improvements in many of them."

A. That might be the case in some cases, but you certainly could not draw any general conclusions from it.

Q. What would you say as to this?

"Fortunately we have other endocrine glands which are intimate with the adrenals as to be classified by some a part of the 'adrenal system.'"

A. That is accepted by a good many.

Q. "And from them we can draw in the hope of gaining results in this class of disorders." What would you say as to that?

A. That is just discussion. I would say that that is just his opinion.

Q. "The thyroid, pieuitary, and gonads all contain principles that are valuable here." What would you say as to that?

A. That might or might not be the case.

Q. "Combinations of these have been used for some years with good results." What would you say as to that?

A. I would have to know what he is talking about be-
197 fore I would say anything.

Q. What would you say as to this?

"Another reason for giving mixed gland extracts lies in the fact that all these endocrine organs are so intimate with one another that disturbance in one invariably causes changes in the work of the other glands upon which the first affected gland is dependent."

A. Well, I would say that was a rather sweeping thing based on the idea of a shot gun description.

Q. "According to Bayard Holmes, of Chicago, evidence has accumulated to show that disease of the ductless glands is usually plural rather than isolated and single." What would you say as to that?

A. I would say that that still lacks confirmation.

Q. You have not any doubt but what Bayard Holmes entertains that view, have you?

A. No.

Q. He is a reputable physician, is he not?

A. He may be a reputable physician, but so far as he know he hasn't any great scientific standing.

Q. Do you know what Hormotone is?

A. No; I dont think anybody else does.

Q. What do you know about Hormotone?

A. That is some man's definition of something, I mean his

term for some particular thing. I would have to know what his definition of it was.

Q. "This preparation contains the so-called 'dynamogenic' hormones from the glands which exert their prin-
198 cipal effects on the adrenal system; these are the thyroids, pituitary and gonads. Small doses of these extracts are useful in the adjunct treatment of just such cases as have been outlined in this article. I have had several most interesting experiences reported to me from Europe, and since they will form a fitting climax to this communication, a resume of them will be given.

"At the hospital ———five cases of 'trench neurasthenia' were treated for some weeks with from 2½ to 7½ grains of this preparation three times a day, in addition, of course to the usual expectant treatment. Their wounds had all healed, but the shock was still prominent, and tachychardia, tremors, and depression were present. All suffered more or less from insomnia. Two weeks of this treatment enabled two to be discharged 'fit for service', despite the fact that they had been under treatment 'for weeks and months with no perceptible improvement.'"

What would you say as to that?

A. I think his conclusion is absolutely unjustified because you can find any number of cases treated in other ways that have given just as striking results, many of them treated without any drugs at all.

Q. You would not say that those drugs did not have any results?

A. I would say in all probability they did not.

Q. What would you say as to this?

"Many a case of obscure neurasthenia will be found to be accompanied by sexual neurosis which is really at the bottom of the whole matter."

199 A. That is probably correct.

Q. What would you say as to this?

"Quite the most important phase of organotherapy in dysgenitalism is the use of extracts of organs corresponding to those affected."

A. I would have to ask you to read that again.

Q. "Quite the most important phase of organotherapy is dysgenitalism is the use of extracts of organs corresponding to those affected."

A. Well, I would say that was a very sweeping statement based on insufficient facts.

Q. What would you say as to this?

"If functional impotence in the male as well as in the female is considered in the light of an endocrine dyscrasia, there is more hope of a successful outcome than from all the electrical, mechanical and psychotherapeutical procedures combined."

A. That statement is not justified.

Q. What would you say to this:

"The principle of homostimulation oft referred to in my writings applies just as much to the gonads as to the thyroids, pituitary or any other gland of internal secretion."

A. I would not comment on that because I am not familiar with it.

Q. Well, are you familiar with the principle of homostimulation?

A. Yes; but it is not accepted. It is largely a theoret-
200 ical thing.

Q. Well, if it is a true principle it would apply as such to the gonads as to any other ductless gland, would it not, theoretically?

A. What do you mean by "gonads?"

Q. Those are the testicles, a part of the gonads?

A. Not necessarily.

Q. Well, distinguish logically, if you can, why if the principle of homostimulation is a true principle, what is there about the gonads as ductless glands that would make any different application of the principle from any other ductless glands?

A. Well, I am not admitting that that principle is correct.

Q. I am asking you to admit it. I am asking you to assume that that is the principle. Is there any reason why it would not apply there as well as to any other ductless gland?

A. Not that I can see.

Q. Are you familiar with a substance called didymin?

A. No.

Q. That is a substance that is manufactured by Burroughs Welcome & Company of London. Do you know who they are?

A. Yes.

Q. Who are they?

A. One of the largest manufacturers of drugs in the United Kingdom.

Q. Did you ever use didymin in your profession?

201 A. I did not.

Q. Have you read any of the reports of the use of didymin?

A. I have not.

Q. Are you familiar with any of the medical literature concerning the use of didymin?

A. I am not.

Q. Didymin is a testicular extract manufactured by that firm. It is their name for orchis substance. Did you ever hear of sequarine?

A. No.

Q. Hormotone?

A. No.

Q. Roberts-Hawley lymph?

A. No.

Q. Are you familiar with any of those preparations?

A. I am not.

Q. What would you say as to this?

"The principle of homostimulation oft referred to in my writings applies just as much to the gonads as to the thyroids, pituitary or any other gland of internal secretion, and the clinical results following the use of Didymin, Sequarine, Hormotine, or the Roberts-Hawley Lymph, or any other preparation calculated to stimulate the sex glands to a greater functional activity, are based upon good physiology and sound reasoning, many statements to the contrary, notwithstanding."

A. I think the statement is far too sweeping and general.

202 Q. But you do not know anything about those remedies?

A. No, except that I take it that they are all orchis extracts, practically.

Q. Yes; the Roberts-Hawley lymph, I think that is manufactured in Chicago, is it not?

A. I do not know about that.

Q. What would you say to this?

"Unnumbered cases of so-called 'incompetence' have been treated with this lymph."

A. "Incompetence," did you say?

Q. Yes; that is what they call it. It means impotence in this text.

Mr. Nash: We object to the qualification of what the text means.

By Mr. Mathias: Q. "I have personally used it in my practice and am certain that this homostimulant action is the physiological explanation of the good results that one expect to secure following its judicious use in cases of this character."

Do you know anything about that?

A. In the first place, we do not know just what he means by "incompetence" there. Assuming that he means the same as impotence, I would doubt the correctness of his conclusions.

Q. Would you doubt that he treated unnumbered cases with the lymph?

A. Yes; I certainly would. I would like to see it in round figures.

Q. "I am equally convinced that the empirical ad-
203 ministration of the preparation Hormotone, or Tabloid Mixed glands, in dysgenitalism is active through the augmented internal secretory activity of the gonads which thus may be brought about." What would you say as to that?

A. It is of the same character as most of his other statements there. It is a sweeping statement just the same as referred to in a number of cases.

Q. What would you say to this:

"The beneficial effects from this kind of treatment seem to originate from the augmented gonad activity for this alone is sufficient to increase metabolism."

A. I doubt very much whether he had any right to follow that conclusion.

Q. Well, would an augmented gonad activity increase metabolism?

A. Well, you would have to know just what he meant by an augmented gonad activity.

Q. Do you not know what that means?

A. I may have an idea what it means and it may be entirely different from the idea he has.

Q. Could it mean anything else than an increased activity of the testicular glands?

A. Well, he assumes that there is such a condition, in the first place, and we do not know that there is.

Q. That does not answer the question. I want to know if an augmented gonad activity would increase the metabolism?

A. You would have to assume that there is such a thing. I do not agree that there is.

204 Q. Well, if there was such a thing, would it?

A. It might.

Q. Would it start up a greater degree of functional activity in other interrelated endocrine organs?

A. We do not know.

Q. "This accounts for the unusual effects that have been reported following the use of R-H Lymph in very chronic and much treated cases; as well as the mort direct effects on impotence and hypogonadism." What would you say as to that?

A. That is right along the same line as the other statements.

Q. You have not made any observations with reference to the Roberts-Hawley Lymph, have you?

A. No sir.

Q. What would you say as to this?

"I realize that statements such as the foregoing are open to criticism and that they will be criticized just as similar ones have been criticized for thirty years, but the opinions of critics count for naught as compared with the opinions of satisfied patients; and nothing can shake my belief that one is more likely to accomplish the desired therapeutic ends in the treatment of sexual disabilities if they are considered as endocrine dyscrasias and treated as such."

A. I would say that very little weight should be given to that statement in view of the other extravagant statements which you have read.

Q. Assuming that the author of the book that I have
205 just read is a man that has had a large experience in the treatment of patients with secretions from the ductless glands.

A. I would not accept it then unless I knew what his scientific attainments were.

Q. Would you want to check up his treatment and try it yourself?

A. No, but I would want to know the type of cases in the first place. If the cases were mostly those that could be

treated by methods in psychiatry, then all those statements would mean absolutely nothing.

Q. Do you not take the word of any physician as to the effect of the use of any drug?

A. No, not any physician.

Q. Does he have to be a physician of your particular school of medicine?

A. No sir.

Q. What school of medicine do you adhere to?

A. The regular.

Q. How many schools of medicine are there?

A. Well, there are supposed to be two or three.

Q. No two of them agree with each other, do they?

A. Well, there is not so much difference of opinion among the best men in all the schools. Take homeopaths for example.

Q. It is all a matter of opinion, is it not, more or less?

A. It depends on what you mean by opinion. It de-
206 pends on what the opinion is based on. No; I would not say it is a matter of opinion; it has to be based on fact.

Q. Works on materia medica are based on very little proven facts; are they not?

A. No; there are a good many facts that are proven.

Q. Well, you take a volume of a thousand or two thousand pages of materia medica; what percentage of the remedies therein set forth are effective or useful in the practice of medicine?

A. Well, it is hard to say.

Q. A very small percentage. Is not that so?

A. I think if you put it the other way we could say that we could get along with comparatively few of them.

Q. The medical science has changed in the last ten years materially, has it not?

A. Yes, it has. I do not know whether it has—

Q. Many of the things that were believed to be true ten years ago are known to be false now, are they not?

A. That is correct.

Acting Solicitor Southerland: You were going to qualify that answer, Doctor, and he interrupted you. You said you did not know that it was any different or something.

The Witness: I was going to sa ythat I did not know that the changes in the last ten years had been any more striking than in any other preceding ten years.

Mr. Mathias: The book that I was reading from a moment ago was Dr. Henry R. Harrower's work on The Internal Secretions in Practical Medicine, published in 1917.

207 By Mr. Mathias: Q. Referring to the organs of internal secretion, what would you say as to this?

"The place which those glands possessing internal secretions now occupy in the practice of medicine cannot be overestimated." Is that true?

A. No. You can overestimate anything.

Q. They do occupy a very important factor or place, do they not, in the practice of medicine?

A. Yes; that is comparatively.

Q. Now, the testicles have a very important place in the metabolism of the system, do they not?

A. Yes sir.

Q. Do you know why it is that they have that important place?

A. Well, you might say that there is this difference in comparing them with any other vital organ, that they are necessary for the continuation of the race.

Q. Well, I do not mean in that sense. I mean they play a very important part in the health and strength of man?

A. That is probably true. You would have to qualify that somewhat, too.

Q. You do not know what the so-called hormone that is secreted by the testicles is, do you?

A. No sir.

Q. Then, so far as you know it has not been isolated?

A. No sir.

Q. But like electricity it is evidently there, is it

208 not?

A. Well, probably so.

Q. Not knowing what it is, you do not know what its chemical effect upon the body is, do you?

A. No.

Q. Not knowing its chemical composition, you do not know whether it could be absorbed or not, do you?

A. No.

Q. What would you say to this?

"Again, it has been abundantly established that a large number of internal secretions are concerned in the development of the sexual glands; for sexual precocity can be asso-

ciated with tumours of the adrenals and with disturbances in the hormonic balance,"

A. Well, there are two or three statements involved in that statement. In the first place, he says there are a number of internal secretions. We do not know whether there are or not.—

Q. Well, there is more than one, is there not?

A. I do not know that.

Q. What would you say as to this?

"Again, the effect of castration upon young male animals, and upon youths, as is practiced in the East, shows that there is a definite controlling agent in the secretion of the genital glands which, directly or indirectly, governs growth." Is that true?

A. Yes; that is true.

Q. "Thus, changes taken place in the bones, particularly in the skull and the pelvis, which produce an increase of 209 growth, with retarded ossification of the epiphyses."

A. I do not know about the changes in the ossifical system.

Q. Did you ever hear of a man by the name of Biedl?

A. Yes.

Q. Who is he?

A. He is the author of a German work on internal secretions and is supposed to be quite an authority on the subject.

Q. What would you say as to this?

"Testicular extract is said to contain nucleoprotein and toxic bases, and it has been stated by some observers that the results of administering such an extract to animals are widespread and important; also it has recently been said to play a part in the production of the genito-vesicular reflex."

A. I would not agree with that.

Q. Do you know a man by the name of Serralach?

A. No.

Q. Did you ever hear of a man by the names of Pares?

A. I don't remember.

Q. Did you ever use orchis extract hypodermically?

A. No sir.

Q. Do you know what its effect is when used hypodermically?

A. No, except in a general way that it may have some effect when used hypodermically.

Q. It increases muscular power and energy, does it not?

210 A. It is very doubtful. There is no proof of it.

Q. Did you ever hear of a man by the name of Zoth?

A. No.

Q. Or a man named Pregl?

A. I think I have heard of him.

Q. What would you say as to this? Referring to an article written by Biedle in 1913?

"The influence of testicular extract upon muscular function has been demonstrated by Zoth and Pregl by means of conclusive experiments (1896). These authors systematically exclude every possibility of error, including that of suggestion, and they found that the subcutaneous injection of orchitic extract, continued over a period of weeks, did not produce an increased capacity for muscular energy, but that when combined with muscular exercises there was an increase of as much as 50% in the muscular performance as shown by the erograph and by dumb-bell experiments."

A. I would say that that was absolutely worthless because he does not know but what he would have gotten the same effect without the dumb-bells, according to his own statement.

Q. What would you say as to this?

"Without going further into the physiology of the testicle, it is sufficient to say that there can be very little doubt that these organs play a vital part in the production of secretions which, although we are ignorant of their full importance, are necessary for the development of a normal man; not only

211 in so far as sexual characteristics are concerned, but even with regard to the adequate working of his nervous system."

A. I think that is all correct with the possible exception of the latter part, that is working with his nervous system. Probably that whole thing is correct. I would be willing to accept that.

Q. What would you say as to this?

"Let us commence our study by considering the help which may be given to that very widely encountered disease, neurasthenia. It has been conclusively proved that the exhibition of some preparation of the testes (such as spermin) has the power of raising the amount of muscular work available, of increasing the strength of the individual, and of banishing ready fatigue."

A. I do not believe there is any justification for that statement.

Q. Do you not think that the use of that remedy with those results would be a justification?

A. Not without knowing just the type of case that they were using it on, and whether they ran adequate controls of other case.

Mr. Mathias: The hook from which I have been reading is entitled "The Organs of Internal Secretion, by Dr. Ivo Geikie Cobb, M. D., London.

By Mr. Mathias: Q. Do you know of Dr. Arnold Lorand of Carlsbad, Austria?

A. No sir.

Q. Do you know the firm of Parke, Davis & Company?

A. Yes sir.

212 Q. Is that a reputable firm and pharmaceutical manufacturing establishment?

A. They have a fairly good reputation.

Acting Solicitor Southerland: What do you mean by that, Doctor?

The Witness: I mean by that that as pharmaceutical houses go their reputation is good. They handle a lot of good products. They handle a lot of products that people demand and which they know are worthless themselves, and I am pretty certain that they handle other products which they will not sponsor but will make for other people to sell.

Mr. Mathias: I have here one of their advertisements, March-April, 1918. It contains this article:

"Orchic Substance, Dessiccated
(P. D. & Co.)

"Supplied in the form of a desiccated powder, put up in one-ounce vials. The powder may be dispensed in capsules. One grain represents 12 grains of fresh gland.

"Indications: Neurasthenia, diabetes, hypertrophic prostatitis, impotence, hysteria, hystero-epilepsy, and as an aphrodisiac. Beneficial effects have been observed in eczema, psoriasis, and obesity.

"Dose; One to five grains is the usual initial dose, to be increased pro re nata." Are you familiar with that?

The Witness: I have noticed something about that in the advertisements and so forth, recently.

By Mr. Mathias: Q. Do you know upon what they base the indications?

A. No.

213 Q. Did you ever experiment with the substance for any of those indications?

A. No. I do not believe that product has been accepted by the Council on Pharmacy and Drugs of the American Medical Association.

Q. Have you looked it up to see?

A. I have not.

Q. Do you know Dr. Joseph R. Hawley of Chicago who manufactures the Roberts-Hawley Lymph?

A. I do not.

Q. Do you know Dr. G. B. Ward, of Gilman, Iowa?

A. I do not.

Q. What would you say as to this?

"Locomotor Ataxia.—Dr. G. B. Ward, Gilman, Ia., reports case of locomotor ataxia of several years standing in a female, age not given. Diagnosis was first made in Rochester by the Mayos. It was a typical case, A-R pupils, lost reflexes, anesthesia, marked ataxia, and the usual sensory symptoms. Treated with the Emulsion of Lymph Compound in full doses for five months in the early part of 1913. The patient made a very decided improvement. The pupils now react to light, reflexes unchanged, the sensory symptoms are greatly relieved, she has gained strength and has much better coordination, Romberg symptom distinctly lessened. No relapse, two years since treatment."

A. I do not believe it.

Q. Do you know Dr. W. H. Bellinger, of Peoria, Illinois?

A. No.

214 Q. Do you know Dr. G. M. Steele, of Oshkosh, Wisconsin?

A. No.

Mr. Cox: May I interrupt you just a second?

Mr. Mathias: Yes.

Mr. Cox: In answer to the question there as to the case of locomotor ataxia, Doctor, you said you did not believe it. Will you tell us why?

The Witness: Well, I think there is either a mistake in the diagnosis—I think there are three possibilities there; a mistake in diagnosis or that that patient received anti-syphilitic treatment at the same time or possibly before, which had benefitted the case to some extent, or that his observations are wrong, or a combination of those things.

By Mr. Mathias: Q. Well, the diagnosis at Mayo's of Rochester is apt to be correct?

A. That is what it says there. That would have to be verified, in the first place. Probably the most important thing would be to find out how much anti-syphilitic treatment that patient had had.

Q. Here is another case of locomotor ataxia reported by Dr. W. H. Bellinger, of Peoria, Illinois:

"Dr. W. H. Bellinger, Peoria, Ill., reports case of typical tabes, without incoordination, in a middle-aged male. Specific history eight years previous, thoroughly treated for three years. Two and one-half years ago showed symtoms of
215 early tabes, the severe symptoms being lightening pains and gastric crises. A-R pupil, lost tendon reflexes. Specific treatment, used subcutaneously, produced a negative Wasserman but no decline in tabetic symptoms, except that the pupils responded to light, Twelve ounces of Special Lymph Compound injected to this case, with the result of a complete disappearance om lightening pains and gastric crises. Eyes normal. No relapse, one year since treatment."

Do you believe that either.

A. I do not believe that either.

Mr. Cox: For the same reasons?

The Witness: For the same reasons.

By Mr. Mathias: Do you know Dr. A. C. Durkee, of Pontiac, Illinois?

A. No.

Q. He reports two cases of locomotor ataxia. Do you know Dr. E. J. Brewer, of Shabbona, Illinois?

A. I do not.

Q. What is the disease known as hemiphlegia?

A. It is one-sided paralysis, and it is a symptom rather than a disease. It has a number of causes.

Q. What is multiple neuritis?

A. Multiple neuritis is a nervous disorder involving the pherpheral neurals.

Q. Do you know Dr. E. Dickson, of Coal Creek, Tennessee?

A. I do not.

Q. Do you know Dr. W. H. DeLong, of Emporia, Florida?

A. I do not.

Q. "Dr W. H. DeLong, Emporia, Fla., reports case of
216 male, age 36. Patient gave history of attacks of complete nervous break-down which had occurred four times

prior to the last attack, each attacks more severe and protracted than the previous one. The symptoms were extreme and the patient totally incapacitated for his work as a foreman of railroad construction. Emulsion of Lymph Compound used with gradual but complete response, and the doctor reports that three has been no relapse, now eleven months since treatment."

A. That does not mean anything. He may have another break-down next month, or he might have been equally well treated without drugs of any sort.

Q. Doctor, if it appeared to you that forty or fifty physicians practicing in different parts of the United States had given preparations of testicular extract for different diseases for which this particular compound involved in this case is advertised, and that their reports all showed that there had been beneficial results, and that it also appeared that the hundreds of persons who had taken these Orango Tablets had voluntarily in reordering the compound stated that they had been much benefitted with reference to nervo-sexual troubles, and numerous modern works had explained and advocated the use of such remedies in the manner in which they have been explained in this little booklet; would you say that a man who was selling that would be justified and honestly believed that those statements are true?

Mr. Cox: Do not answer that. Let me ask you, Mr. Mathias, if you have in your testimonials here the forty physicians who reported to you. Are they in evidence?

217 Mr. Mathias: No; they are not yet. I have not gotten to my evidence. I am cross examining your witness.

Mr. Cox: I do not think you can frame a question of that character on something that is not in the case.

Mr. Mathias: On cross examination it is certainly proper to put any hypothetical question that may be necessary.

Acting Solicitor Southerland: If the hypothetical question is based upon the evidence in the case.

Mr. Mathias: I have not got the evidence in. I have a right to cross examine the witness on my theory of the case.

Acting Solicitor Southerland: It is not proper cross examination, is it then?

Mr. Mathias: It certainly would be in a court of law.

Mr. Cox: It would not be in a court of law, and that is not the rule. The rule is that it must be based on the evidence

in the case, always. You cannot exclude extraneous facts in a hypothetical question.

Mr. Mathias: You cannot do it when you are examining a witness on your main case, but on cross examination I have a right to make any assumption for the purpose of testing the witness.

Mr. Cox: I do not believe so.

Mr. Mathias: I can show you the law, if you want it.

Mr. Nash: I am willing to let him answer the question.

Acting Solicitor Southerland: I am going to overrule the objection if Government Counsel makes an objection.

Mr. Cox: I want it to appear on the record that I do make an objection because the question is not a proper one.

218 Acting Solicitor Southerland: I will overrule the objection.

Mr. Nash: It does not call for expert knowledge. It calls for a conclusion.

Acting Solicitor Southerland: That calls for a conclusion that I will be called upon to make in this case. As a matter of fact, I am very glad to have the Doctor answer the question, however.

The Witness: Part of that was in the nature of assumption, that it was based on well recognized principles, and so forth. I would not think that it could not be dismissed; that it would have to be further investigated.

Mr. Mathias: Here is what I am trying to get at. You do not quite get the question. If you should come to me and hand me these books that I have been reading from and other works, and literature by physicians who are actively engaged in practice, also the recommendations of forty or fifty other physicians and show me the statements of hundreds of satisfied patients; do you not think I would be justified as a layman—

The Witness: That is the crux of the whole thing.

Mr. Nash: We will object to that if you put it in that way. It might be admissible possibly as a doctor's opinion as to whether it was ethically proper to do so, but as to whether a layman would be acting in good faith or not, that is entirely a question for the Court to decide. That is the very question involved in this case. If the question is

219 changed in that way we will object to it very strenuously.

Mr. Mathias: The principal question in this case is how you are charged. You say that Mr. Leach said, or adver-

tised, that this would do a thing which he knew it would not do.

Mr. Nash: Yes.

Mr. Mathias: That is the crux of the whole thing. You are trying to make out a fraud.

Mr. Nash: You are trying to make this expert witness decide that very question.

Mr. Mathias: You have brought your expert to show that Leach was guilty of fraud.

Mr. Nash: No; to show just what these medicines were, not to show that it was a fraud.

Mr. Mathias: We have the leading pharmaceutical manufacturers of the world selling this with recommendations for its use for which we advertise it. We have hundreds of satisfied patients who have testified that they have been benefitted. We have books by men who have devoted their lives to the study of these ductless glands.

Mr. Nash: We very seriously question that.

Mr. Mathias: Well, that is what we have here, and I do not see how you are going to make out a case of fraud against a man under those conditions.

Mr. Nash: Maybe what you say is all true, nevertheless it does not make your question a proper question because you are asking the witness to determine whether or not this man is acting an good faith. The witness is not here for that purpose and it is not a proper question for him to answer.

220 Mr. Mathias: Well, let the Court rule on it. I am not going to argue it any more.

Acting Solicitor Southerland: The way you have changed your question I do not think it is worth while to have the Doc'or answer it, because it is not a question for an expert witness. If you want to ask him a technical medical question, you may ask him any such question you want to.

By Mr. Mathias:

Q. Doctor, if you had a patient who was suffering from nervo-sexual troubles, and your treatment did not produce the desired results, and you called Dr. Cobb into conference, or Dr. Harrower into conference, or any of these other physicians, Brown-Sequard and others who have tried these numerous remedies, and they told you what results they had had with these different remedies and recommended you to use them, would you use them? Would you try them out?

A. Not unless they were based on experimental evidence.

Q Well, if they told you of the experiments which they had tried with them, which they rehearsed in these books.

A. If their experiments were satisfactory, I would.

Acting Solicitor Southerland: What do you mean by satisfactory?

The Witness: I mean if the experiments seemed to have been properly controlled and it looked as if they had really done good and there was no harm, that they could absolutely demonstrate that there was no harm in giving them, I would not be adverse to trying them.

221

By Mr. Mathias:

Q. You do not know that there was any harm in those Organo Tablets, do you?

A. Of course, if you bring it down to this particular question, I would not, because I know there is not any good evidence of this. I thought you were talking generally.

Q. I am talking about the orchitic substance; The fundamental of this remedy is orchic substance.

A. If I tried it at all in a case of that kind it would not be because I thought the drug had any good, but because these men by their personality and advice and one thing another would exercise a good effect on his mental condition.

Q. If you had treated three hundred persons for nervo-sexual troubles and they had advised you that they had been benefited by the treatment which you gave them, namely, the orchic substance, would not you be justified in concluding empirically that that was a suitable remedy for nervo-sexual disturbances?

Acting Solicitor Southerland: I do not think the doctor can answer that question intelligently, Mr. Mathias, unless he understands the conditions under which these people said that, the circumstances. Do you want to change your question?

Mr. Mathias: Maybe he can answer it. If he does not understand it or cannot answer it, I will change it.

222

The Witness: Well, I would not try this.

By Mr. Mathias:

Q. Would you try orchis substance?

A. Well, that is what I mean, an orchic substance, because there is no sound principle to it.

Q. You would not try a remedy that had been apparently effective favorably in three hundred cases?

A. Not unless I knew what had happened in three hundred other cases.

Q You would want six hundred?

A. No; I would want to know what happened to the case. That it did not get.

Q. If the physicians followed that out there would not be hardly any medicine that they could give to anybody except quinine, would there?

A. Yes; there would be several.

Q. What else beside quinine?

A. Well, arsenic.

Q. What else?

A. Mercury.

Q. For syphilis?

A. Yes. The salicilates.

Q. For rheumatism.

A. Rheumatism and some other conditions.

Q. That does not always cure rheumatism, does it?

A. No. Diphtheria and anti-toxin in diphtheria.

Q. You could enumerate all the things that you know to be sure on your ten fingers, could you not?

223 A. You could enumerate all those that are specific. Of course, there are a good many things given for the synchromatic conditions, like strychnine, morphine, veronal and chloral.

Q. Pretty near all the old remedies are obsolete? Are they not, now?

A. No; they use a lot of them.

Q. Do they do any good?

A. Some of them do and some of them do not?

Q. Most of them do not?

A. I would not go so far as to say that, because a good many of them are good for certain symptoms that occur in connection with the disease. They may not cure the disease at all.

Q. Doctor, your practical experience in treating persons who are afflicted with nervo-sexual troubles has not been very extensive, has it?

A. No.

Q. Did you ever treat a man for impotence?

A. No.

Q. Your testimony here is theoretical?

A. Well, upon that and based on my knowledge of scientific work that has been done in recent years.

Q. And it is principally a matter of opinion, is it not?

A. Well, not personal opinion, but opinion representing the concensus of the best scientific men today.

Mr. Cox: Upon what is that concensus of opinion based?

The Witness: On the sum total of all scientific work
224 that has been done on those different lines.

Bt Mr. Mathias:

Q. You have not studied up on the sum total of all the work that has been done on the use of this orchitic substance, have you?

A. No.

Q. So the opinions that you have given here are not based upon a full knowledge of all the work that has been done on the secretion of the ductless glands, are they?

A. No, but we might say further that there has not been a whole lot of work done. Most of it we have referred to is opinion of practicing physicians who are not capable of sizing up a scientific experiment.

Q. How about Dr. Murphy of Chicago. Dr. Billings and Dr. Hawley?

A. I would not mention Dr. Hawley in the same breath with Dr. Billings, and Murphy, I would say was an authority on anything in a surgical line.

Q. Pretty near all this work is done by physicians, is it not?

A. It is supposed to be done in the first place by scientific men.

Q. Are they not physicians?

A. Not necessarily.

Q. You take all the work in the hospitals, the treatment of the actual cases, that is done by physicians, is it not, and not by scientific men?

A. Yes; but they apply these remedies after they have been demonstrated to be successful by experience.

225 Q. And they are men who are satisfied as to what their remedies have done, are they not?

A. Yes; in the last analysis.

Q. Say you experiment in your laboratory and produce an extract of the thyroid gland. Then you have a theory in your mind as a scientific man that it ought to do certain things and you present them to the profession. You have to rely upon the reports of the profession as to whether or not it does what you think it ought to do, do you not?

A. Yes.

Q. So that the only source of information as to the actual effectiveness of a remedy is from the profession itself, is it not? The men who treat the patients with the remedies?

A. Well, in the last analysis it has to come down to that, the man that treats the patient.

Q. Now, what is thymol?

A. It is a compound of the aromatic salts.

Q. What is it made out of?

A. Well, it can be made synthetically.

Q. What do you make it out of?

A. I do not make it.

Q. Do you know what it is made out of?

A. No. There are what they call the natural and the synthetic.

Q. What is the natural made from?

A. It is extracted from oil of thyme.

226 Q. Is the synthetic made chemically?

A. It is made chemically.

Q. Now, the body is capable, as a rule of generating for most any ailment, is it not? It has a pretty good fighting capacity has it not, the blood itself?

A. It has for some ailments, but not all.

Q. How about hookworm?

A. Unless he is treated a man will not very often recover; he will sometimes.

Q. Now, Doctor, if this orchitic substance, if the thing in it which is called the hormone, should be absorbed by the stomach and taken into the system throught the intestinal tract, then there would not be any reason for not giving it that way, would there?

A. Well, if you consider the essential part of it there, the protein, there would be.

Q. If you drop out the protein, whatever the hormone is, Assume it is protein?

A. I do not believe I can pass on that question because inasmuch as we do not know what the chemical nature is, it would be hard to say whether we could expect to get anything in our stomachs or not.

Q. You would not want to say that it would not be absorbed in the stomach, would you?

A. We can say that the proteins would not be absorbed as such.

Q. But you cannot say that the hormone cannot be absorbed that way, can you, because you do not know whether it can or not?

227 A. No; we do not know.

Mr. Mathias: I think that is all with this witness.

Acting Solicitor Southerland: Is there any redirect, Mr. Nash?

Redirect Examination by Mr. Nash.

Q. Doctor, You do not mean to say, do you, that all of the statements that you have made embracing the medical theory are questions entirely of opinion and not based upon proven scientific facts?

A. No; I do not.

Q. I assume that some of those things have been proved as well as other mundane things have been proven, have they not? For instance, the fact that some symptoms arise from different causes has been well proved, has it not?

A. Yes, sir.

Q. There is no question about that in the medical world, is there?

A. No.

Q. And some of the other statements you have made are the concensus of the reputable medical opinion?

A. Yes sir.

Acting Solicitor Southerland: Some of your statements are based upon physiological and anatomical facts, are they not?

The Witness: Yes sir.

By Mr. Nash:

Q. Doctor, I want to call your attention again to this
228 book entitled "The Internal Secretions and Practical Medicine," by Harrower, to which Mr. Mathias invited your attention and from which he read several extracts. I quote to you a statement appearing on page 248 thereof, reading as follows:

"Some years have elapsed since the foregoing pages were written. On reading them over I am reminded of some comment which I heard in London some months after this paper first appeared in print; Organotherapy is no more efficacious in the cure of tuberculosis than any other of the hundred and one therapeutic offerings.

"Of course this has more truth in it than fiction and it may be well to state unequivocally that none of the measures outlined are 'cures'—the chapter heading calls them 'adjuncts.'"

Do you agree with that statement, Doctor?

A. Yes sir; that is the most you could say.

Mr. Nash: That is all.

Recross Examination by Mr. Mathias.

Q. Doctor, take in the case of quinine in malaria. You only know empirically, do you not, that quinine is a specific for malaria?

A. No. We know that from absolutely a scientific basis, that it destroys the plasmodium.

Q. So you think that is scientific proof?

A. Absolutely.

Q. Doctor, this section that Mr. Nash read you re-
229 ferred to adjuncts, "The adjunct treatment of tuberculosis with certain organic extracts."

Mr. Nash: I think that is a conclusion.

By Mr. Mathias:

Q. Do you know what that adjunct treatment was that was referred to in that chapter?

A. No, but the inference was that it was certain extracts of glands.

Q. What would you say to this?

"However, of one thing I am convinced and that is that pancreatin is indeed a valuable remedy in tuberculosis, and that it acts in two separate and distinct ways. Besides its beneficent effects upon digestion, pancreatin seems to antagonize excessive adrenal activity, and it is now believed by several prominent investigators that the toxemia of tuberculosis irritates the adrenals quite considerably and this hyperadrenia is responsible for several of the sympathetic symptoms such as dryness of the mouth, irritable heart, digestive crises and some of the sympathetic nervous derangement not uncommon in the tuberculous."

A. I would say that was a very sweeping statement. There are a few cases of tuberculosis where there are tubercles in the adrenals. Possibly it is in those particular cases that ephdrin or something of that sort might be beneficial.

Q. Do you know what tuberculin is?

A. Yes sir.

Q. What is it?

A. There are several kinds. One of them is simply the
230 killed culture of tubercle bacilli. One of them is filtrate of a killed culture. Those are the two principal forms.

Q. Are they used now in the treatment of tuberculosis?

A. Yes sir.

(Witness excused.)

(Thereupon, at 4:35 o'clock, p. m., a recess was taken until Thursday, May 22, 1919, at ten o'clock a. m.)

---

231 Third Day

Thursday, May 22, 1919.

The hearing was resumed at 11 o'clock a. m.

Present: The same parties as aforesaid.

DR. ROY GRAHAM HOSKINS, was produced as a witness on behalf of the Government, and upon examination, testified as follows:

By Mr. Nash:

Q. What is your name, Doctor?

A. Roy Graham Hoskins.

Q. Where are you employed, Major?

A. At present in the office of the Surgeon-General in charge of the question of food and nutrition.

Q. What has been your experience along medical lines?

A. I was head of the medical department of the University, the Starling, Ohio, Medical College, now the medical department of the State University of Ohio, for three years, from 1910 to 1913. Preceding that I was graduate student of the Harvard Medical School in physiology for two years from 1908 to 1910, specializing in the study of internal secretions. From 1913 to 1916 I was associate professor of physiology at Northwestern University Medical School: from 1916 to date, Professor of Physiology at Northwestern University Medical School and head of the Department of Physiology. Along educational lines I have had about three years of medical
232 courses in three different schools, the University of Kansas one year, then in some medical courses of Harvard University and about a year of clinical work at the Starling Ohio, medical school.

Q. What degree do you hold?

A. A. M. and A. B. from Kansas; Ph. D. in medical science from Harvard.

Q. Doctor, you have been here during this hearing for a considerable part of the time and are familiar, more or less, with the advertising matter that is used in the sale of this treatment. I would like to have you state, for the informa-

tion of the Solicitor, what you understand by the term "genito-urinary troubles."

A. Genito-urinary troubles is a term that is rather a vague one, referring to any sort of disease of the genito-urinary tract, the kidneys and bladder and the sexual organs.

Q. Does the term embrace more than one kind of disease, Doctor?

A. Yes. The specialists in genito-urinary diseases have occasion to treat a great many different things.

Q. What do you understand by the term impotency?

A. The ordinary acceptance of the term is inability to copulate.

Q. Does that arise from one cause in all cases?

A. It arises for a great many causes. Any interference with the physiological mechanism may give rise to that condition. It may be due to conditions in the genito-urinary tract. It may be due to mental conditions.

Q. What do you understand by the term "lost manhood?"

233 A. Lost manhood is a vague term, covering a variety of things. It means essentially inability or difficulty in copulation. It carries also the condition of being run down or debilitated.

Q. What do you understand by the term "neurasthenia?"

A. Neurasthenia is a vague term which covers a great variety of conditions.

Q. Bearing all these conditions in mind that we have referred to, Doctor, is there any one treatment that can be used successfully to cure all of them?

A. There is not.

Q. Why is that, Doctor?

A. Because the successful treatment of any disease necessitates the discovery of the cause of the particular disease and the removal, partially or completely, of that cause.

Q. Is it possible that there may be one particular kind of treatment that would remove all of the causes?

A. There is no such a possibility.

Acting Solicitor Southerland: Is it possible that one treatment would alleviate all of those conditions?

The Witness: It is not possible.

By Mr. Nash: Q. Are some of those conditions only amenable to surgical treatment?

A. Some are.

Q. Are some of them incurable?

A. Some are incurable.

234 Q. Take the case of a man of elderly years. Is a condition of impotency in that man a thing that can ordinarily be cured?

A. No; it is a physiological state which means essentially that the man has passed the reproductive stage and that his reproductive properties have been lost.

Q. Is it possible to bring those powers back in any way?

A. So far as is now known, it is impossible.

Q. Doctor, I believe you are familiar with the treatment which is in controversy here, known as Organo Tablets.

Acting Solicitor Southerland: Will you show him the tablets and the formula at this point, Mr. Nash, so as to make certain of it. Mr. Mathias, do you state the formula in your answer?

Mr. Mathias: No.

By Mr. Nash: Q. I hand you "government Exhibit 16," in which you will note there is an analysis of this treatment. I ask you to bear that in mind in answering the question that I am about to propound to you.

Acting Solicitor Southerland: As I understand it, this is a stock tablet put out by Parke, Davis & Company and is not made according to any private formula?

Mr. Mathias: As I understand it, they are manufactured by Parke, Davis & Company. I do not understand that it is a stock formula.

Acting Solicitor Southerland: Well, it is not the private formula of this respondent?

235 Mr. Mathias: I cannot answer that from my own knowledge, because I never saw the formula; but I understand from Mr. Leach that these are manufactured according to a certain formula. Whether or not that formula was originally prescribed by a physician, or whether or not that formula was a stock formula, I do not know, but I understand that he advertises a tablet of a certain formula also. There are a great many different formulas in those tablets. It may be that they have a stock formula like that, but I do not know.

Acting Solicitor Southerland: Did you not read the item yesterday in the catalogue, the particular tablets that Mr. Leach buys?

Mr. Mathias: I do not think that tells the formula for the tablets.

Acting Solicitor Southerland: It does not, but it describes

a particular tablet. I understand that he bought it under that item in the catalogue.

Mr. Mathias: Here is what I read: "Supplied in the form of a disiccated powder, put up in one-ounce vials. The powder may be dispensed in capsules. One grain represents 12 grains of fresh gland.

"Indications: Neurasthenia, diabetes, hypertrophic prostatitis, impotence, hysteria, hystero-epilepsy, and as an aphrodisiac. Beneficial effects have been observed in eczema, psoriasis, and obesity.

"Dose: One to five grains is the usual initial dose, to be increased pro re nata." I understand that these contain two grains of orchic substance.

Mr. Cox: Which?

236 Mr. Mathias: These Organo Tablets. But what I said yesterday was that they were manufactured by Parke, Davis & Company, together with a binder of sugar of milk.

Acting Solicitor Southerland: I would like to know whether it is the contention of the respondent that this tablet is manufactured by Parke, Davis & Company especially for him, or whether it is one of the ordinary tablets put out by Parke, Davis & Company which he buys from them as anybody else buys from them and which tablets, can be bought from them by any other person?

Mr. Cox: You will be able to show that later on, Mr. Mathias?

Mr. Mathias: I have not the information on that so that I could tell you absolutely I was sure I was right.

Mr. Nash: As a matter of fact, this orchic substance that is relied upon—

Mr. Mathias: It is the thing that is relied upon in those tablets as the thing which is represented in the advertising matter.

Acting Solicitor Southerland: All right, Doctor, you have examined the formula and the tablet itself?

Mr. Cox: Would you kindly wait just one minute. I believe the record already shows that the tablets now on the table, known as Organo Tablets, are the same as those sold as orchic extract under the name of Packers Product Company, and it is admitted in your answer?

Mr. Mathias: There is not any admission made about this particular box of tablets on the table.

Mr. Cox: But the treatment that you sell now under
237 the present name is the same as the one sold by the Packers Product Company?

Mr. Mathias: Yes.

Acting Solicitor Southerland: You have examined the formula and the tablets, have you, Doctor?

The Witness: Yes sir.

By Mr. Nash:

Q. I want to ask you what the value of this tablet, taken internally, would be for the treatment of the conditions you have referred to in your testimony?

A. In my judgment, it would have no value taken according to these directions.

Q. Why?

A. There are at least four reasons entering into that statement. The treatment is obviously based upon a theory that the testicles supply to the normal body a hormone or internal secretion. Whether or not any such hormone is formed by the testicles is still an undetermined point. There are many pieces of evidence which indicate, prove, in fact, that the testicles do have an influence upon the growth and development. There are two possibilities to account for that; I think the testicles may add something to the body fluids, or they may subtract something from the body fluids, as in the case of the kidneys and the liver. In the case of the kidneys the substance is subtracted and thrown out as such. In the case of the liver various substances are taken into the organ and changed in their chemical composition. The testicle
238 may produce its effect in either one of those two ways. Hence I say there is no definite proof that the testicles supply any hormone at all. In the first place, the theory underlying this treatment presupposes that testicular extracts or the assumed hormone from the testicles has an affect which would be sedative to a nervous system. In the case of these over-irritable individuals neurasthenics, and so forth, it is supposed to have a calming influence. As a matter of fact, the testicles has quite a different influence. The effect of the complete absence of a testicle is to lead to a condition of semi-lethargy, a slight depression of the nervous system; as, for example, in the case of the work ox as compared with the bull, the work-ox being of a phlegmatic temperament and the bull being of a somewhat fiery temperament, certainly the more nervous individual of the two. The absence of the

testicles leads to an increase of growth and development and, to some extent, perhaps, to muscular strength, and example of that being the work ox as contrasted with the bull or the castrated fowl, the capon as contrasted with the ordinary fowl. Hence the testicle on the whole does not have any such sedative effect as it would be assumed to have in cases of nervousness and that sort of thing. There is some literature indicating that testiellar material in large doses is beneficial in the condition of impotency. Dr. Victor D. Lespinasse, of Chicago, has had experience along this line and has reported an article in the Surgical Clinics of North America, 1918, volume two, that in large doses testicular extracts have been reported by some investigators to have a beneficial effect. In the small doses concentrated in this
239 treatment they could not be expected to have a beneficial effect. I had another factor in mind, but I lost it.

Mr. Mathias: What was the third one?

The Witness: The doses were too small. Granting that there is a living hormone probably formed in very small quantities at one time, so that the count present at any given time in the fresh testicular material would be supposedly small. Then I know of no evidence that the process of drying and preparing this substance for use would not destroy what might be present. It would remain to be proved that the manufacturing properties did not destroy this substance. The fifth point occurs to me in this connection. The question whether or not any hormone which might be present in this desiccated material would be absorbed in a utilizable condition and not destroyed in its passage through the Alimentary tract. Of the known hormones we may mention adrenalin formed by the adrenal glands; thyroid hormone formed by the thyroid glands, and pituitary extract from the pituitary body, and secretin which is formed in the walls of the intestines.

Of these substances only one is effective when taken by the mouth. Secretin has been shown by Barleyson (?), of the University of Chicago, and collaboraters to have no effect when so administered. Pituitary extract has been used quite widely of recent years as a uterine stimulant. It must be injected hypodermically or intravenously to give it effect. Adrenalin has been reported by a great many people to have little or no effect when taken by mouth. Thyroid, on the

other hand, is effective when taken in that way. So that
240 of the four known causes three are not effective when ad-
ministered by mouth, and the suggestion is accordingly shown that orchic extract, granting that it has any active hormones in it, would not be effective when so administered.

By Mr. Nash:

Q. Doctor, let us assume that all of these conditions were met in this treatment, and it actually did have a stimulating or tonic effect upon the reproductive organs. Could it with truth be said, even then, that it would cure or relieve all forms of these various troubles that you have referred to in your testimony?

A. It could not be truthfully states.

Acting Solicitor Southerland: Doctor, is that a matter of opinion of yours, or do you know that to be an absolute fact from your knowledge of the physiological conditions and the anatomical conditions of the human body?

The Witness: That answer is based upon my previous statement that the causes are variable and no one substance can remove all of those causes.

Acting Solicitor Southerland: Do you base that upon opinion or upon certain facts?

The Witness: Upon the facts as reported in the medical literature.

By Mr. Nash:

Q. There is no doubt about the fact that certain cases require surgical interference to be benefitted, is there, Doctor?

A. There is no doubt in my mind.

241 Q. Are you familiar with the work of a doctor called Harrower?

A. I am.

Q. What can you state with reference to that gentleman and his work, Doctor?

A. Dr. Henry R. Harrower, of Los Angeles, California, is a man who has been engaged a considerable part of the time in the employ of commercial firms who market organic and other preparations. At the present time he is commercially engaged in the sale and exploitation of a series of questionable ductless gland products. I say at the present time. He was two or three months ago and presumable is still.

Q. He is the author of the book that was referred to yesterday?

A. I have not examined the book particularly.

Q. I wish you would (passing the book referred to, to the witness.)

Q. This book is by Henry R. Harrower, M. D., Fellow of the Royal Society of Medicine; sometime Professor of Clinical Diagnosis, Loyola University, Chicago; member American Medical Editors Association, and so forth. To my personal knowledge the man referred to is all of those things.

Q. Is he a man whose expressions of opinion in medical science you would rely upon, Doctor?

Mr. Mathias: I object to that. What difference does it make whether he would rely upon them or not?

Mr. Nash: It is a perfectly proper question.

Acting Solicitor Southerland: I think it is quite im-
242 portant, because the Doctor was questioned about certain of these extracts yesterday. The qualifications of this physician who wrote this book are certainly important in determining the weight which should be given to what he has written.

Mr. Cox: It should be proved, in the first place.

Acting Solicitor Southerland: I will overrule the objection.

The Witness: I would not rely upon them.

By Mr. Nash:

Q. Doctor, do you regard it as essential in the class of conditions that we have discussed in this hearing to see the patient personally before undertaking to prescribe a treatment?

A. That is a principle in medicine universally applicable, that intelligent treatment necessitates personal examination.

Acting Solicitor Southerland: How does he apply that to these particular diseases?

Mr. Nash: Will you answer Mr. Southerland's question, doctor?

Acting Solicitor Southerland: You say that the principle is universally applicable. How do you apply that to these particular conditions described in such a general way in which you say are caused by or due to a great many causes?

The Witness: Because otherwise you are simply going on
hearsay. The individual in question, the patient, states
243 to you that such and such things are true of himself, and you have no way of knowing whether they are true or not.

Acting Solicitor Southerland: You think that the patient is not in a position to judge that?

The Witness: The patient is certainly not in a position to pass upon his own physical condition.

Acting Solicitor Southerland: That applies with equal force to the conditions we are dealing with in this case, as well as with other conditions?

The Witness: Yes sir.

By Mr. Nash:

Q. What would you say as to the efficacy of this treatment, assuming that it was held forth in advertising matter without previous correspondence with the patient to determine his condition?

A. I should say that the probabilities are extremely strong that the patient would not be benefitted.

Q. Do you know Dr. Ivo G. Cobb?

A. I know of him from reading numerous articles which he has written.

Q. What is his reputation, Doctor?

A. I have not had occasion to discuss him very much. I could give you only an impression as to his reputation. He is an Englishman.

Mr. Mathias: We do not want any impressions.

The Witness: I could answer as regards the contents of his writings.

By Mr. Nash:

Q. I would like to have that.

244 A. He basis his clinical education very largely upon what he assumes to be physiological facts. His statements of physiological facts are unreliable.

Acting Solicitor Southerland: That is the question I asked you a while ago. Were your answers with reference to this treatment and the effect of this treatment and the other answers which you have made with reference to this matter, based solely upon matters of opinion about which doctors disagree or have they been based upon physiological facts?

The Witness: My answers have been based particularly upon physiological facts. I have not qualified as a physiologist.

Mr. Nash: You may take the witness.

Cross-Examination by Mr. Mathias.

Q. Doctor, you never practiced medicine, did you?

A. I have not.

Q. You only had clinical experience of a year?

A. Well, I have had more than that. I have been connected with medical schools since 1906.

Q. Your work has been principally teaching, has it not?

A. My work has been about half teaching and half research. In connection with my research work I have kept in touch with clinical conditions in various clinics and hospitals, and have personally studied various cases which came within the range of my particular interests, which are
245 the internal secretions.

Q. You have done that by reading what has been written on this subject?

A. No sir: I have studied patients individually who showed various diseases of the endocrine glands.

Q. How many?

A. Perhaps twenty-five.

Q. Have you ever treated any of them?

A. I have not.

Q. Have you ever made any personal observation of the effect of the treatment on patients by secretions from the ductless glands?

A. I have.

Q. Where did you make those observations?

A. In the Starling, Ohio, Medical School, and in the clinics of the Northwestern University Medical School.

Q. What did you observe?

A. The effects of pituitary extracts in obstetrical cases; the effects of adrenalin injections, and the effects of thyroid treatment.

A. Any other cases?

A. They are all that I recall from memory.

Q. Can a man be mistaken about being impotent?

A. He can. Let me qualify that. As I define impotence, I should say not.

Q. He cannot be mistaken about that?

A. He would not I suppose—

Q. If a man came to you and told you that he could not copulate, you would take his word for it, would you not?

246 A. I should on the ground that the fact that he was convinced that he could not within itself would very strongly tend to prevent his being able to copulate.

Q. If a man is suffering from weakness, physical weakness, by loss of strength and vigor, there cannot be any doubt about that in his own mind, can there?

A. General weakness? No. I suppose he would be competent to say whether he was weak or not.

Q. You say that Dr. Horrower was engaged by commercial firms. What commercial firms was he engaged by?

A. The predecessors of the firm of Read and Conley of New York, I believe.

Q. When was he engaged by them?

A. It has been several years ago.

Q. How many years ago?

A. I would say off-hand six or eight. The information was given to me in a conversation with Harrower some two years ago, and I do not remember the specific date.

Q. Did he tell you he worked for that firm?

A. Yes.

Q. What did they manufacture?

A. They manufactured a variety of ductless gland products.

Q. Do you know what the names of any of them are?

A. Hormotone is one.

Q. What others?

A. I do not know whether they have trade names for their other products or not.

247 Q. Do you know whether they manufacture any other product or not?

A. They do. I have not the details in mind, however, as to just what they do market. Their firm is engaged in this sort of work.

Q. Did he ever work for any other firm?

A. At one time he was employed by the Abbott Alkaloid Company of Chicago.

Q. How many years ago was that?

A. Ten years ago, perhaps.

Q. That is one of the leading manufacturers of pharmaceutical preparations, is it not?

A. At the present time it is a fairly reputable house. At the time of Harrower's connection with it it was not so reputable.

Q. It has had a steady growth, has it not?

A. As far as I know. I am not at all familiar with the history of that house. I have been told that the house had a rather poor reputation.

Q. In what respect?

A. That it placed upon the market products which were extravagantly advertised.

Q. Do you know who their advertising manager was?
A. I do not.
Q. Do you know Dr. Burdick connected with that concern?
A. I do not.
Q. He has been connected with that concern about twenty years. Do you know that he is a man of high standing in the medical profession?
248 A. I know nothing about it except I have been told in former years they were not a particularly reputable house.
Q. Any new concern that starts out to sell any medical preparations is looked upon with askance by the medical profession, is it not?
A. Properly so.
Q. It takes sometime, then, if they are manufacturing excellent preparations to establish a reputation, does it not?
A. That would not necessarily follows. I believe it ordinarily does.
Q. Did you ever use any of their preparations?
A. I do not recollect having done so.
Q. Did they ever make any secretions of the ductless glands?
A. I do not know.
Q. You do not know whether there is a hormone in the testicles, do you?
A. I do not, and I am strongly of the opinion that no one else knows.
Q. Have you confidence in the experiments of Dr. Lespinasse?
A. I have.
Q. Has he reported that by giving a remedy in large doses it has an effect upon impotence?
A. My recollection is that he makes the statement that such has been reported as a fact.
Q. If that is a fact, then, what would be your opinion as to whether there would be a hormone in the testicle?
249 A. There might or might not be a hormone present under those conditions. Any gland substance contains a great many other things in addition to any hormones that may be present.
Q. What is a hormone?
A. A hormone is a chemical substance formed in one part of the body which is carried in the body fluids to some other part and influences the function of the other part.

Q. Chemically?
A. Supposedly. It might do it physically.
Q. If there is a hormone in the testicle, then that hormone, if the testicles were weak and did not properly perform their functions in secreting that hormone, if that hormone were supplied from the testicles of some animal to a person suffering in that way, it would probably effect him beneficially, would it not?
A. If the individual were suffering from a deficient testicular hormone and the hormone were introduced into his blood stream through the stomach or otherwise in an unchanged condition in sufficient amount, he would supposedly be beneficially affected.
Q. Some schools of medicine believe in giving all medicines in small doses, do they not?
A. They are so reported.
Q. You know that is a fact, do you not?
A. No: I doubt if they actually believe that.
Q. Well, that is what the school teaches, is it not?
A. It is.
Q. The homoepathic school teaches that, does it not?
250 A. Yes.
Q. And the allopathic teaches to give medicine in larger doses than that prescribed by the homeopathic doctor, does it not?
A. Before answering that question I would have to have your definition of an allopathic physician.
Q. Are you a so-called regular physician?
A. I am not a physician at all.
Q. You are just a physiologist?
A. I am a physiologist.
Q. What is an allopathic physician according to the scientific interpretation of the word?
A. I do not know.
Q. What is an eclectic?
A. I have a very vague idea of the eclectic. The eclectics differentiate themselves.
Q. Some Doctors believe that it is more efficacious to give medicine in small doses than in large doses, do they not?
A. I doubt that.
Q. Well, they pretend to believe that, do they not, as far as you know?
A. They do.

Q. It is the homeopathic school of medicine, so-called, that believes it is more efficacious to give medicine in small quantities than large, is it not?

A. I should not so analyze their position.

Q. Is not that your information with reference to the
251 theory of homeopathy?

A. That is the popular idea of the theory of homeopathy. It is not my impression. The essential idea of homeopathy, as I understand it, is that the use of poisonous substances under the name of drugs is likely to be harmful, and if these drugs are used in the smaller quantities there is less chance of doing harm.

Q. Is it their theory that they will not be any good anyhow?

A. I think that is probably the belief of a good many of them.

Q. Do you think that that is what the homeopaths believe?

A. That is my impression of their actual belief.

Q. That they give medicines that they know are harmful and that they give them in small doses, believing that if given in larger doses they would be more harmful?

A. That is their belief.

Q. Do you think that is what the homeopathic doctors believe?

A. I think so, those who are intelligent.

Q. That is a matter of opinion, is it not?

A. That is assuming they are intelligent men who appreciate the operation of a mass law in chemistry.

Q. Was it intelligent in the old days to bleed a man for different diseases?

A. In certain conditions, yes.

Q. Was it intelligent to do it with the great uniformity or universality with which it was done?

A. It was not.

252 Q. And that was commonly done by regular physicians, was it not?

A. Yes.

Q. The medical profession changes very rapidly in its theories as to what is good and bad in medicine, does it not?

A. As information on the medical sciences increases the application of the information at time changes.

Q. Well, it has changed a great deal and very rapidly, has it not?

A. The art of medicine has changed very considerably during the course of history.

Q. You call it an art, do you?

A. I do. I am referring to the art. There is both an art and a science of medicine.

Q. The last two thousand years physicians have been principally practicing the art of medicine, have they not?

A. Until comparatively recently.

Q. And most of the practice now in the remedies given by physicians you would classify under the art of medicine rather than the science of medicine?

A. If you mean by that all physicians, yes. If you mean those who are really competent to practice medicine, no.

Q. How many are there who are really competent to practice medicine? What percentage?

A. I could not say off hand.

Q. It is a very small percentage, is it not?

A. That is my opinion.

Q. So that if anybody would disagree with you or
253 any of the subjects relating to medicine or with subjects related to medicine, you would think he was incompetent to practice medicine?

Mr. Nash: I do not think that is fair at all.

Acting Solicitor Southerland: I want him to answer it.

The Witness: I would first, before passing upon his competency, want to know the extent and quality of his education in medical science.

Acting Solicitor Southerland: Well, would you think he was incompetent because he did not agree with you, Doctor?

The Witness: No sir.

By Mr. Mathias: Q. They are not teaching today what they taught ten years ago in the medical schools, are they?

A. Take the text books on any medical subject, the latest text books, compared with one ten years earlier, perhaps ninety-five percent of the subject matter is identical.

Q. Is what?

A. Essentially identical.

Q. With reference to physiology, that would be true, would it not?

A. Yes.

Q. And anatomy.

A. The proportion of anatomy would be practically one hundred per cent.

Q. How about materia medica?

A. There has been some change in ten years in materia medica.

Q. About ninety-nine per cent of the drugs that are
254 listed in these great works on materia medica are not used by doctors, are they?

A. I would not care to say the exact percentages, but the greater proportion of the drugs listed in materia medica are not ordinarily used by practicing physicians.

Q. Now, the science of organotherapy has been of recent development, has it not?

A. The science is of recent development. The art is not.

Q. It started in with Brown-Sequard, did it not?

A. No.

Q. Did he not stimulate the study of organotherapy?

A. He did.

Q. By his experiments?

A. Organotherapy in a crude way has been practiced, as testified yesterday, for many hundreds of years.

Q. Would you say it was the art or the science that had been practiced for many hundreds of years?

A. The art.

Q. When did they discover the circulation of the blood?

A. When?

Q. Yes.

A. That is usually ascribed to Harvey, I believe, in the sixteenth century. As a matter of fact, no one man discovered it. It was the outcome of a series of discoveries, each man contributing a certain amount of evidence.

Q. Have you ever read Harrower's work on internal secretions?

A. I read a considerable portion of it as it came out
255 originally in the medical literature: The book is made up of reprinted articles from a number of obscure medical publications in this country.

Q. Do you believe in the theory of organotherapy?

A. In a limited way, yes.

Q. In the writing of his books, Dr. Harrower uses bibliography to substantiate his statement of well recognized authorities, does he not?

A. He selects some of the evidence and cites that.

Mr. Mathias: I did not ask you that.

Mr. Nash: It is a very obvious qualification.

Mr. Mathias: I want him to answer the question.

The Witness: The question cannot be answered.

By Mr. Mathias: Q. Do you know whether he does or not?

A. I do.

Q. Do you know anything about the "American Medicine," of New York?

A. I do.

Q. What is that?

A. That is a medical publication which—well, what more do you want to know about it?

Q. Do you know of a man by the name of F. Brunet?

A. I do not.

Q. A Frenchman?

A. From that I conclude that he has not done anything of any great significance in the field of internal secretions.

Q. Because you have not read it?

256 A. Because I make a point to read all the significant literature on internal secretions.

Q. And you read French?

A. That previous answer should be qualified. I make it a point to read all of the material in the original or in a reliable abstract, and I read the original and all the more significant things as they come to my notice in French, German, English and to some extent, in Italian.

Q. Have you read the works of Brown-Sequard?

A. I have. I have read the particular research to which you are referring.

Q. Have you read any of the works of a physician known as Dr. Stelwagen?

A. I believe not.

A. I do not.

Q. You have to rely upon these pharmaceutical companies for these preparations of the different ductless glands, are you not?

A. No, I do not. I, as a matter of fact, usually so use preparations from pharmaceutical houses, but we always have the possibility of checking up on these with the fresh gland material derived from laboratory animals and also from other places.

Q. Take a concern like Mr. Harrower's. He sells only to doctors, does he not?

A. I do not know.

Q. Do you know where he is engaged in business now?

A. In the City of Los Angeles, California.

Q. It is Glendale, is it not?

A. Glendale is a suburb of Los Angeles. His office is
257 in Los Angeles.

Q. Is he manufacturing it from the ductless glands there?

A. I think he purchases his material already manufactured, although I am not certain of that.

Q. Did he not make different compounds and compositions and materials from the ductless glands and sell them only to physicians?

A. Whether he has his own laboratory and personally supervises the preparation of those materials, I do not know; but my impression is that he does not.

Q. Have you ever been in his place of business?

A. I have not.

Q. So you do not know whether he does or not?

A. I do not.

Q. Do you know a doctor by the name of Arthur Biedl?

A. I know of him.

Q. He is a man of good standing, is he not?

A. He is.

Q. Do you know a doctor named Arnold Lorand?

A. I do not, except I know of him.

Q. Do you know a doctor named E. A. Schafer?

A. I know him quite well.

Q. He is a man in good standing, is he not?

A. He is.

Q. Do you know a doctor Lerebollet?

A. Very, very vaguely.

Q. Do you know a doctor Bayle?

A. I do not.

258 Q. Do you know Dr. G. Schroeder?

A. It is quite a common German name. I probably know a great many by that name.

Q. Do you know of a German physician by the name of W. J. von Stockum?

A. I do not.

Q. Did you ever read any of his works?

A. I did not.

Q. Did you ever read any of the works of Doctor Gerard?

A. I do not recall.

Q. And Gerard and Lemoine?

A. I do not recall ever reading them.

Q. Did you ever read any of the works of Dr. Gilbert and Dr. Carnot?

A. They are French clinicians. I probably have read some of their writings in the French.

Q. Did you ever read any of the articles of Dr. Parmentier?

A. I do not recollect having done so.

Q. Or Dr. Leonard Williams?

A. I am sure as to Dr. Williams.

Q. And Dr. Brieger?

A. I do not know him.

Q. Dr. Strubel?

A. No.

Q. Boardman Reed? Did you ever read any of his works?

A. No.

Q. Dr. Williams?

A. Which one?

259 Q. Dr. L. Williams.

A. That is Leonard Williams, again presumably.

Q. Do you know of a Dr. H. Batty Shaw?

A. I know him. He is a British practitioner.

Q. He is a lecturer in therapeutics, University College, London, assistant physician to University College hospital and to the hospital for consumption and diseases of the chest?

A. Yes sir.

Q. Is that a proper description of Dr. Batty Shaw?

A. I do not know.

Q. He is a man in good standing, is he not?

A. I could not say as to that.

Q. Is he a physiologist?

A. Not to my knowledge.

Q. Did you ever read his works on organotherapy?

A. I have not.

Q. Have you ever made a dissection of the testicles?

A. I have not.

Q. Have you made a microscopic examination of slides?

A. I have.

Q. Are you familiar with the different cells?

A. I am.

Q. The cells of the testicles are very similar to those of the thyroid gland, are they not?

A. They are not.

Q. In what respect are they different?

A. The arrangement of the cells in quite different the shape of the cells is different.

260 Q. Are there any cells in the thyroid glands that appear different in the testicles?

A. No.

Q. What is the difference in the shape of the cells?

A. The thyroid cells vary with the state of the glands from roughly cubical or flattened cubical, to a tall columnar, the characteristic being, however, to a tendency towards a rectangular shape in cross section. Those of the testicle are of three different parts; the cells, the interstitial cells of Lydig and the spermatogenic cells. For the purposes of this case we are concerned supposedly only with the interstitial cells of the testicles, which are of a somewhat irregular shape, tending to approach the spherical.

Q. Are those the cells that are supposed to secrete the hormone?

A. They are supposed to do so.

Q. Did you ever treat anybody with orchic extract?

A. I did not.

Q. Did you ever make a study of any persons who were treated with it?

A. I have not.

Q. There are two ways, are there not, of arriving at the effects of medicine upon a patient; one called the empirical and the other by the scientific observation of the direct effect of the drug?

A. Yes.

Q. Most of the science of medicine has been developed by the empirical method, has it not?

261 A. No, sir.

Q. In preparing the great works on materia medica did not the physicians of England, America and Germany give different drugs to different animals and observe the effect of the drugs for the purpose of finding their value as medicine?

A. There has been a great deal of such experimentation, yes.

Q. Not knowing whether or not there is hormone in the testicle, the only way in which you could find out whether there appeared to be, except by chemical analysis would be to see persons with secretions from the testicles and observe the effects, would it not?

A. No; The proper procedure would be first to investi-

gate thoroughly the effect of testicular extracts and fresh testicular material upon experimental animals using a wide variety of preparations and varying the experimental conditions as widely as feasible.

Q. You could use it on human beings, could you not?

A. It is not permissible to experiment on human beings.

Q. Mr. Nash: Have you finished your statement, Doctor?

The Witness: I should like to add—to experiment on human beings until knowledge has been carried as far as is practicable upon the experimental animals, generally speaking. There might be exceptions.

By Mr. Mathias: Q. Where there is a general principle or theory, like the theory of organotherapy, the homostimulation of glands, that seems to be accepted by numerous writers, would not you think you would be justified in the case of a weak gland, or where you had not made proper scientific chemical investigations, to test out the homostimulation of those glands with respect to that particular gland?

262

A. I know very little about the theory of homostimulation. It has very restricted uses. It is used principally by a few faddists.

Q. Pretty nearly every new thing in medicine is called a fad, is it not?

A. It depends on how it is exploited.

Q. And they hang men for making discoveries in science?

A. It has been done, using the word "hang" in the figurative sense.

Q. They are persecuted?

A. That is true.

Q. And the doctors have been very assiduous and energetic in the persecution of men entertaining new ideas, have they not?

A. I should prefer to express that idea a bit differently. Any conscientous doctor is opposed to anything being done to his patients or to humanity at large for which he thinks there is not sufficient justification.

Q. When a man brings out something new he is generally criticized very severely. Take the Murphy button. The doctors did not like that and they disliked Dr. Murphy for inventing that.

A. That was a radical departure from the accustomed usage, and probably would very properly be looked at with some scepticism.

263

Q. The practice of medicine by physicians over a long period of years becomes very much dogmatic, does it not?

A. It has that tendency.

Q. Doctor, assuming that three hundred persons stated that they were suffering from weakened manhood or impotence, and that they were given orchic substance, and that they all reported beneficial results. Then would you say that a man would not be justified in believing that the remedy was efficacious?

A. I should say that that would establish very little incident probably to render those efficacious. It certainly would not constitute proof.

Q. That would not prove anything to you?

A. It would not.

Q. You would not even try the remedy after that?

A. It would not mean anything to me because if you take any ten thousand men reporting themselves suffering from any condition, a certain proportion will spontaneously improve and a certain other proportion will not improve. So taking any ten thousand men and applying any remedy you please, if the remedy is not actually harmless, a certain proportion would improve and be led to believe that the improvement was due to the medicine they were taking which might not be the case. Therapeutic medicine, so-called, is notoriously unreliable.

264 Q. What kind of medicine is reliable?

A. Careful and experimental medicine.

Q. There is not much of that, is there?

A. There is a great deal available. For that reason fads in secretory medicines are exhibitions of poor intelligence.

Q. Did you ever experiment with the use of testicular extracts on an animal?

A. I have. Let me qualify that. I did not use extracts, I used the testicular material itself.

Q. What kind of animals?

A. On dogs.

Q. Did you take dogs that were impotent?

A. I did.

Q. How did you know they were impotent? Did you make them that way?

A. Because they had no testicles.

Q. They were dogs that had been castrated?

A. Yes.

Q. How long had they been castrated, since they were pups?

A. The particular ones that I experimented with had been castrated, perhaps, a month previously, and they were young adults?

Q. How did you use it?

A. The experiments were on the effect of testicular deficiency on the nervous system.

Q. Were the dogs nervous after you took away their
265 testicles?

A. Quite the contrary.

Q. So you were treating them for nervousness?

A. I was not. I was treating them for known specific lack of testicles.

Q. What were the symptoms you observed in the dogs; that is, after the testicles were removed?

A. They became quiet and a little more lethargic, perhaps. In general, there was relatively a very slight difference detected without special methods.

Q. Without what?

A. Without special methods. That is, by the ordinary observations the dogs were practically unchanged.

Q. A eunuch does not live very long, does he?

A. Quite the contrary. As far as I know, there is no relation between length of life and the presence or absence of testicles.

Q. A boy who is castrated in his early youth shows evidences of old age in his youth, does he not?

A. He does not.

Q. Did you ever see a eunuch?

A. I have.

Q. How long had he been a eunuch?

A. Several years.

Q. How old was he when he was castrated?

A. Eighteen, I believe.

Q. Well, that makes a difference. There is a difference in the agen when they are castrated, is there not?

A. Not as your question was framed, I think.

266 Q. Would you call that his early youth?

A. No, I would call it his early manhood.

Q. I asked you about a boy who was castrated in his early youth.

A. Pardon me. That was not the question I was answering.

Q. Now, answer the question I asked you about a boy being castrated in his early youth.

A. Will you please state the question.

Q. The question is does he show evidence of old age early in life if he is castrated in his early youth?

A. My answer was no.

Q. Does he not get wrinkled?

A. No.

Q. Did you ever make a study of the eunuchs of the East?

A. I have read about them. I never observed them personally.

Q. Did you ever read any of the works of the German authors on those eunuchs?

A. I have.

Q. Did not those works state that they showed evidence of old age? And that they became wrinkled and old early in life?

A. I do not recollect it if it was so stated.

Q. You have not made any personal observations on this subject?

A. No.

Q. You do not know of your own knowledge about 267 that subject?

A. No. I do know what bears directly on this subject, that farm animals are very commonly castrated, and, as far as I know, there is no evidence that their length of life is shortened thereby, and the probabilities are very strong that they live longer.

Q. They do not live very long. A horse twenty years old is an old horse and you very rarely see one at that age?

A. The same is even more true of the stallion.

Q. And cattle do not live to be many years old, do they?

A. Castrated cattle usually do not get a chance to.

Q. So that that would not be a fair comparison, to compare an animal whose ordinary period of life is from ten to fifteen years with a human being whose ordinary term of life is seventy or more years?

A. The essential point that is involved in this series of questions, I take it, is that the effect of the presence or absence of the testicles on the general vital process, the running down process, would ultimately lead to death—the absence of the testicular secretions, in all probability, would lead to lengthening life, because the presence of the testicles

would lead to activity which requires expenditure of vital energy which would not be so required in the absence of the testicles. Therefore, the probabilities are very strong that in a properly controlled series of experiments on longevity the castrated men, castrated at any time in life, would outlive those not so castrated. I am quite sure that no
268 such experiments have ever been made.

Q. Is it not a fact that men who live to be very old are very often found to be men of strong sexual powers?

A. I doubt if that is true.

Acting Solicitor Southerland: Would it mean anything, even if it were true, Doctor, because the fact that there are phenomenal cases of that now and then would not have any bearing upon the general principle?

The Witness: That was covered in my previous answer. The only conclusion evident on this point would be a series of carefully controlled experiments on a hundred men of a given race under a given condition and of a given vitality, preferably brothers; the first class being castrated and the other class not being castrated, because the reason for that qualification is that there are many extraneous factors which would come in to modify such experiments.

By Mr. Mathias:

Q. Are you familiar with the writings of Dr. Pellikan?

A. I am not.

Q. With reference to the eunuchs of the community of castrated Skopje in Russia?

A. I know something of the sect.

Q. They have a withered aspect earlier in life. Are you familiar with that history?

A. I am not.

Q. If the historical facts is that the eunuchs shows evidences of old age early in life, then you would be mistaken in your assumption, would you not?

269 A. I would not. Before drawing any conclusion from that I should have to know what precisely similar individuals who were not castrated and who were living under the same environments and receiving the same food and doing the same work and exposed to the same climatic conditions, would show.

Q. If you take a whole community of people and those who were castrated in the community showed a withered aspect, and those who were not did not show that withered aspect, would you not attribute that to castration?

A. If the number were sufficiently large, that would establish a considerable degree of probability.

Q. You do not believe anything unless you can see it under a microscope, Doctor?

A. Mr. Nash: I think that is absolutely unfair.

Acting Solicitor Southerland: I sustain the objection to that.

Mr. Mathias: Well, that is all I want to ask him.

Mr. Nash: No redirect.

Acting Solicitor Southerland: Doctor, I would like to ask you a question or two. You referred to a preparatory medicine called hormotone. What is that for?

The Witness: That is being prescribed at the present time for quite a variety of conditions.

Acting Solicitor Southerland: What is it intended for?

The Witness: It is put out for use with patients who show a variety of conditions, supposedly due to endocrine gland defects. It is a sort of a shot gun prescription.

Mr. Mathias: What remedy was that?

270 Acting Solicitor Southerland: Hormotone.

The Witness: It was mentioned several times in the evidence yesterday.

Acting Solicitor Southerland: That is the medicine that is put out by the firm for which Dr. Harrower formerly worked?

The Witness: Yes sir.

Acting Solicitor Southerland: And which Dr. Harrower eulogizes to some extent?

The Witness: Yes.

(Witness excused).

D.. Abbott: May I make a correction as to Dr. Harrower?

Acting Solicitor Southerland: Yes.

Dr. Abbott: In your testimony, Doctor, you said he was with the predecessors of Read & Conley. Now, as a matter of fact, the predecessors of Read & Conley were the Arlington Chemical Company, the Palisades Medical Company and well, I have forgotten the name of the other firm—and a New York association. From those came Read & Conley. Then they branched off in G. W. Conley. G. W. Conley is the firm that Harrower was with, and it is the firm of G. W. Conley that puts out hormotone.

Dr. Hoskins: May I interpret my previous answer to mean that it is my impression that Dr. H. R. Harrower had

been associated in business with one or more members of the present firm of Read & Conley?

Mr. Nash: That agrees with your idea, Dr. Abbott?

Dr. Abbott: Yes; he was formerly a member of the firm of Read & Conley, but he is not any more.

271 DR. FRANK ABBOTT, was thereupon called as a witness for and on behalf of the Government and, upon being examined, testified as follows:

By Mr. Nash:

Q. State your full name.

A. Frank Abbott.

Q. Doctor, do you practice medicine here? Or what is your present residence?

A. I practice medicine, yes sir.

Q. Where is your place of residence, Doctor?

A. 3630—13th street, northeast.

Q. What has been your medical education and experience, Doctor?

A. I began the study of medicine or microscopy and biology when I was twelve years old, and I graduated from the Medical Department of New York University in 1890. I was then instructor in bacteriology in the Luamis Laboratory of the New York University and I occupied that position for six years. I was Director of the Laboratories of normal and pathological histology in the dental department of the University of the State of New York from 1892 until 1897. I was Deputy Health Officer of the Board of New York and Assistant Bacteriologist of the Health Office. I have been connected with the United States Public Health Service. I have been pathologist in the New York Hospital, Bellevue Hospital and at the Bloomingdale Insane Asylum, the New York Insane Asylum, Columbus, Hospital; all of New York.

I pursued a course of study in St. James in London. I
272 have studied epidemiology in this country and in Africa.

I do not know that it is necessary to give all my experience.

Q. Have you made any particular study of the use of testicular material in the treatment of ailments of the reproductive organs or other ailments?

A. The matter of testicular material was first called to

my attention when I was in the Luamas Laboratory. If I am not mistaken, it was about in 1891 or 1892. It was at the time that Brown-Sequard had lectured upon and written some articles on what was known then as Brown-Sequard's lectures on how to live. We obtained from Brown-Sequard's laboratory the technique of the manufacture of his testicular fluid and we manufactured it in the laboratory, and went to the Home for Incurables on Blackwell's Island. I was accompanied in these experiments by Dr. John M. Byron. He is dead now. He was my chief in the laboratory. We prepared the testicular fluid according to Brown-Sequard's formula and selected fifty inmates of the Home for Incurables and used it upon them according to Dr. Brown-Sequard's technique. That is, we used it hypodermically. We did not get any favorable results from it. We did get this result: we had—now, remember I am talking about a good many years ago when we had no blood pressure apparatus as delicate and as fine as we have today—we had results from the blood pressure simply from clinical signs. We estimated that we had a raise of blood pressure and we had a raise of temperature. In one or two individuals that rise of temperature and rise of blood pressure produced a certain amount of
273 stimulation for the time being; but it aroused our curiosity and we tried another set of individuals and used sterilized boullion; just simply took the boullion sterilized and injected that in the same manner that we did the testicular fluid, and we got exactly the same results. There were no differences. In the use of Brown-Sequard's elixir injected hypodermically we got no favorable results, absolutely, and we nad reason to suppose that in two cases it hastened the deaths of the individuals.

Q. Doctor, could you give us an idea of the condition of those persons whom you have treated that way?

A. Well, I can give you an idea of one of them. He was paralyzed, but he had a peculiar form of paralysis; he was blind and he had not eaten any solid food for some period of I think about three years. After the tenth hypodermic injection of about ten C. C. of testicular fluid prepared after Brown-Sequard's method he expressed himself as one wanting to get up, and he did get up, and he got out of bed. He walked around the bed and the next day he walked around the hospital and he ate a good square meal of roast beef and salad and pie. I remember it because he died the next day.

Q. Do you remember whether any of these patients, were suffering from lack of sexual power or not?

A. Well, we were not studying that particular phase of the matter at the time. Therefore, I do not know, it was simply used as a rejuvenator. Naturally, it was supposed to rejuvenate the entire system. What was your conclusion from that set of experiments, Doctor?

274 A. My conclusions were that it was absolutely useless and more harmful than beneficial.

Q. Can you tell us substantially what was contained in that preparation of Brown Sequard's?

A. Yes. We took the testicles from sheep, fresh, and in their capsules. Everything was done under absolutely sterile conditions, antiseptically, and the testicular substance was tritulated in a mortar with broken glass in a very finely subdivided state. Then it was filtered and the resulting fluid was diluted—no; the original tritulation was diluted with normal salt solution; that is seventh-tenths of one per cent sodium chloride in water, and then it was filtered. Then it was sealed up in glass tubes until we used it with a perfectly sterile syringe. That is all there was to it. There was nothing added to it and nothing taken away, except the normal salt solution which was done to dilute it particularly to have it pass through the syringe with a needle properly.

Q. The treatment was administered hypodermically, I understand, Doctor?

A. Yes sir.

Q. Was there any reason why the experiment should not have been conducted by demonstrating the treatment by way of the mouth?

A. Well, the reason for that was that Brown-Sequard had laid down the rules of the technique, and we followed his rules; that is all. I do not think anybody ever thought of administering it by the mouth at that time.

Q. What do you judge would be the difference in the 275 result obtained if it were administered through the mouth rather than hypodermically?

A. I think if it were administered by the mouth that the result would be absolutely nil, that it would be digested by the secretions of the stomach and intestines and would pass on just the same as anything else of the same character that he might eat.

Q. Doctor, I will ask you to examine the formula which appears on Government Exhibit No. 16 which is before you. Would you say that the administration of the treatment, the analysis of which appears there, would have a dissimilar result from that which incurred in the experiments which you conducted?

A. I do not think that this treatment would have any result at all.

Q. Why not, Doctor?

A. I believe that anything that is set forth in that formula would be taken care of and assimulated and its potency as a medication destroyed by the gastric juices and the juices of the small intestines.

Q. Are you familiar with the theory that there are certain elements known as hormones in this testicular material?

A. I am familiar with the theory.

Q. Do you believe that that is true Doctor?

A. I shall have to make some qualification in that.

Q. Go ahead.

A. Up to the age of puberty the testicles, together with the pituitary and thyroid glands, seem to have a direct effect upon the development of the individual. The only thing
276 that we can ascribe that direct effect to is a hormone or hormones acting interchangeably between those glands. After the age of puberty the effect upon the individual, upon his growth and development, seems to be nullified. He has reached the acme of growth and development, and those hormones, if they are present originally, which we theoretically say they are not, cease to act.

Q. Assuming that the hormones are present in this testicular material that is administered, would you say that they would be absorbed into the system in such a way as to be effective, Doctor, or would your general answer that the stomach and intestines would dispose of all of the material apply also the hormones?

A. I think that the hormone, provided it exists in the testicle, given by mouth, would be destroyed in the stomach, or at least its action would be entirely destroyed in the stomach and the small intestines, and it would have no effect whatever.

Q. What would be the effect of the absence of the testicles in a mature man, Doctor, if any?

A. That I would have to answer with a question. When are you going to castrate this individual?

Q. We will assume, in the first instance, that he is castrated in youth.

A. If he is castrated before the age of puberty, the effect upon him would be the retardation of growth, both physically and mentally, and in almost every instance premature senility would result.

Q. What would the effect if he were mature?

277 A. If he were mature and had fully developed, castration seems to have very little effect, very little.

Q. Can you conceive that it might have an effect of making the individual lethargic, less active, and therefore prolong rather than shorten his period of life?

A. I think that an individual castrated after full poberty —his life would be lengthened by such castration.

Q. Doctor, is it possible to treat successfully individuals suffering from neurasthenia or impotence or lost manhood, without a personal observation of the patient?

A. No.

Q. For what reason, Doctor?

A. Neurasthenia is a very much abused and a very obscure term that refers to a number of symptoms which appear in different individuals; and impotency, so-called, of course,—I suppose, of course, you mean by impotency the inability to accomplish the act of copulation successfully—it may be due to so many different causes that nobody could possibly treat it without observation of the patient, and a very careful observation, and a full history of the condition.

Acting Solicitor Southerland: In order to determine the case and treat the cause, Doctor?

The Witness: In order to treat and determine the cause, if we considered there were any trouble at all and overcome it. For instance, gnorrhea in a young man may cause his premature impotency or senility. He may carry that gonorrhea with him as a latent thing probably all his life.

278 Acting Solicitor Southerland: What would be the proper treatment of a case of that sort, Doctor?

The Witness: You will have to ask somebody that knows more about it than I do.

Mr. Cox: But it would have to be treated.

The Witness: They are treated. Do not worry; they are treated sufficiently, but they do not do them much good.

By Mr. Nash: Q. Doctor, you say that a statement with reference to the material, the analysis of which appears upon the sheet which has been shown you to the effect that "in

calling your attention to Organo Tablets we honestly believe we are offering you the best method and remedy for regaining lost sexual powers" would be justified?

A. No sir.

Q. Do you think there is any truth in such a supposition at all, Doctor?

A. I do not.

Q. Have you conducted any further experiments with testicular material?

A. Yes sir.

Q. Will you state what they were and what the results were?

A. I have a desiccated testicle and so-called testicular extract. And by the way, there is no such thing as testicular extract except with those substances that can be extracted from the substance of the testicle wih water; alcohol is no use, but water dissolves out some of the sub-
278 stance, and I believe that is what they call the orchic extract. It is then evaporated down and the residue is powdered and put up in powdered form by different firms, but the most of them use a desiccated extract.

Mr. Mathias: That is what is in those?

The Witness: Yes; that is the whole testicle, simply rubbed up exactly by the old method. They rub it up with glass or fine sand and then desiccate it in vacuum and powder it and put it into powdered form with a binder just as these are done. I have used that preparation. I have used it in a great number of cases, and I never have seen any result from it that I could attribute directly to the testicular substance.

By Mr. Nash: Q. Did you ever administer it by way of the mouth, Doctor?

A. Yes; always since the first experiments hypodermically, I have administered it by the mouth.

Q. Where did you obtain the material which you used, Doctor?

A. It was made fresh in the laboratory and also obtained from Armour and Company. I believe that Armour and Company are a reliable firm, as far as those things go.

Q. Doctor, can you state just briefly such cases as you have treated in this way. Give us a little idea as to the length of time and the number of cases that you had experimented with in this way with this material.

A. Well, it would be very difficult for me to estimate the number, but I should say that it was somewhere in the
280 neighborhood of at least one hundred cases that I have used the testicular extract with.

Q. Were any of those cases cases of impotence?

A. The largest percentage of them were. The others were cases of neurasthenia in women and cases where the ovaries had been removed, either partially or completely.

Mr. Nash: You may take the witness.

Cross-Examination by Mr. Mathias.

Q. Doctor, when was it you gave that treatment?

A. Which was that, sir?

Q. That was the desiccated testicle. You say you gave that treatment. When did you give that?

A. Do you mean in the tablet form, and in the powdered form?

Q. Yes.

A. For the past ten years I have been using it.

Q. You say you have used that treatment in a hundred cases?

A. About that. I could not tell you the exact number, but it is at least that many.

Q. You know other doctors, who have used the same treatment, do you?

A. I do, sir.

Q. How many other doctors do you know who have used that treatment?

A. Well, I could not state exactly, but I suppose two or three score.

281 Q. How many cases of impotency did you treat that way?

A. Probably about sixty.

Q. And how large a dose did you give at a time?

A. I think I gave from nine to fifteen grains.

Q. At a dose?

A. At a dose.

Q. How long did you continue the treatment?

A. From three to six or eight or ten weeks; sometimes six months.

Q. How many cases of neurasthenia did you treat?

A. Well, you understand that most all of these cases of

impotence that I have treated and that have come under my observation are neurasthenic. So that you might class them altogether. I think myself that in many instances impotency is an evidence of a neurasthenic condition; that is of a disturbed nervous condition, especially in young men.

Q. Were these young men that you treated?

A. I have treated men from seventeen years of age up to fifty or sixty.

Q. Did you ever treat any older men than that?

A. No; I never had any occasion to; in fact, I would not bother with them.

Q. What was the effect that you observed after you gave that medicine?

A. Absolutely nothing, except in some instances I have observed a psychic effect.

282 Q. Well, what did the psychic effect produce?

A. Well, it produced a tranquillity of mind and a relief from their—

Q. Impotence?

A. No, but from their morbid thoughts about it. It was simply the fact that they had confidence in the individual who was giving them something that they thought would help them. I do not think it had any physiological effect at all.

Q. You do not know what it was that helped them, though, do you? There was no way to analyze to see whether or not it was psychic or otherwise, was there?

A. Except from the evidence and the fact that they did not recover from their impotence.

Q. They did not recover?

A. No sir.

Q. That substance is still being manufactured by Armour and Parke, Davis & Company, and being prescribed, is it not?

A. To the best of my knowledge, it is.

Q. Do you know what the hormone is, if there is one in the testicle?

A. I believe that the name given to it is spermene. Whether it has ever been isolated or not I am in doubt. I do not think it has.

Q. You do not know what it is chemically, do you?

A. No sir.

Q. Not knowing its chemical composition, you could not

say that it would be destroyed in the process of digestion,
283 could you? That would not be a fair statement, would it?

A. I could not say from my own knowledge that it was destroyed, but from the evidence of the fact that it seemed to have no effect upon the testicle, it apparently was.

Q. You have read numerous reports, have you not, where it did have the effects upon patients?

A. Yes sir.

Q. There is considerable literature on this subject, is there not, Doctor?

A. Yes; there is a great deal published at different times and at different places. Leonard Williams has published a great deal in "The Practitioner," an obscure medical journal of England. The man that you referred to here, Harrower, published a book some few years ago which was known as "Organotherapy," I believe. It is a larger book than the one you have and his first book on that subject.

Q. There has been a great deal of literature in Europe on that subject, has there not?

A. Considerable, yes.

Q. It is more experimental there than in this country?

A. I believe so.

Q. Do you know Dr. Arnold Lorand of Carlsbad, Austria?

A. I know him by reputation and have read of his works.

Q. Did you ever read his "Old Age Deferred"?

284 A. Yes.

Q. He is a physician in good standing, is he not, in Carlsbad?

A. I believe he is.

Q. He is one of the most eminent physicians in Carlsbad, is he not?

A. He is one of the best advertised, anyway.

Q. A learned physician generally gets good advertising, does he not?

A. Yes; there is no doubt of it.

Q. He is a very accomplished writer, is he not?

A. He is, according to that book.

Q. Did you read that book "Old Age Deferred"?

A. Yes sir.

Q. There is a lot of common sense in that book, is there not?

A. Yes; there is a lot of common sense in it.

Q. Doctor, what are you doing now? What is your busi-

ness right now? Are you practicing medicine in Washington?

A. Yes sir.

Q. Are you connected with the Government?

A. Yes sir.

Q. In what capacity are you employed by the Government?

A. I am inspector of contagious diseases in the Department of Health, District of Columbia.

Q. How much of your time do those duties take?

A. I devote almost all my entire time to them.

285 Q. In connection with that inspection, do you practice medicine?

A. To a certain extent.

Q. How limited?

A. Well, very limited, sir. I call on nobody except people that I know or who have been recommended to me through somebody I know. I do not try to pick up any practice or try to practice generally.

Q. Do you believe in the theory of organotherapy?

A. I believe in the theory to a certain extent.

Q. There is considerable work there yet to be done to fully develope that, is there not?

A. I think it is in its infancy, entirely.

Q. You are of the opinion that there is yet considerable to be worked out?

A. Yes sir.

Mr. Mathias: That is all I want to ask the Doctor.

Mr. Nash: No redirect. That is all.

(Witness excused.)

(Thereupon at 12:30 o'clock P. M., a recess was taken until 2:30 o'clock p. m.)

286 After recess.

At the expiration of the recess the hearing was resumed.

Present: The same parties as aforesaid.

Mr. Cox: The Government rests.

Mr. Mathias: I first want to offer excerpts from the catalogue of Burroughs, Welcome & Company, 1910, London, England. The first excerpt is found on page 18 and the second on page 55. The excerpt on page 18 reads as follows:

"Animal Substances (Medicinal) (B. W. & Co.)

"Burroughs Welcome & Co., were the first chemical and pharmaceutical workers in the field of organo-therapy. The glands and other substances employed are carefully selected,

and large numbers, in some cases many thousands, of glands are worked in one batch, so that an average percentage of the active constituents is obtained, and uniformity of therapeutic effect secured. Every 'Tabloid' product contains the complete activity of the substance from which it is prepared."

Mr. Cox: That is objectionable and I want the objection to go on record, on this ground; as one of the grounds, and this ground we will state only; that there is nothing here to show that the preparation is used in this case put up by this firm or in the manner this firm puts it up. It speaks of preserving its substance, and so forth there, and I think it would be inadmissible unless it is shown that this Com-
287 pany is using that particular thing.

Mr. Mathias: This is a similar substance.

Acting Solicitor Southerland: What is the purpose of offering it? How can it be relevant to the point at issue here?

Mr. Mathias: I want to read the other part and then it will explain itself. The excerpt on page 55 reads as follows:

"Didymin (Testicular substance)

"This substance has been used in premature senility, neurasthenia, locomotor ataxia and sterility.

"Preparation.

" 'Tabloid' Didymin, gr. 5 (0.324 gm) (B. W. & Co.,)

"Direction.—One, gradually increased to four, may be given three to four times daily, preferably after food."

Mr. Cox: If the Court please, Mr. Mathias, has finished with his offer of testimony contained in this medical diary. The point of my objection is that the preparation of the animal substance made under the direction of this manufacturing Company goes on to state that under their manufacture, it preserves the substance of the animal extract. I do not think that is admissible in this case unless it is shown that these people used that particular substance. It may be that the one they are using does do that.

Acting Solicitor Southerland: What is the materiality of this? How can it throw any light on this particular case?

Mr. Mathias: The materiality is this: this is a prose-
288 cution for fraud and you contend that he used this substance for a certain purpose knowing that it would not accomplish the purpose. The materiality of this is to show that in England a substance of exactly the same kind is be-

ing manufactured by one of the greatest therapeutic manufacturers of the world for purposes for which we advertise our substance. That is going to the question of fraud and malice, that the remedy will not do that which it is claimed it has power to do, and I am going to offer a similar one with reference to Parke, Davis & Company's preparations. It goes to that, showing that there is literature of materia medica on that very subject.

Mr. Cox: Answering the statement of Counsel, there is an element of difference clearly in this matter, or at least there may be. While the preparation put out here by these people in London may be animal substance, the preparation was made in an entirely different manner. The dosage may be different; the directions may be different; it may have other elements in it, and if it is not used in this particular treatment, by the Organo Company, then it is not admissible and cannot be.

Mr. Mathias: We contend that we are using the same thing made by another house.

Acting Solicitor Southerland: You will have to show that. We will receive it for what it is worth.

(The excerpts just offered in evidence by Mr. Mathias were marked "Respondent's Exhibit No. 5.")

Mr. Mathias: Now I offer in evidence the advertisement of Parke, Davis & Company with reference to "Glandular
289 products," the same being marked "Respondent's Exhibit No. 6." I quote as followes:

"Orchic Substance, Desiccated (P. D. & Co.)

"Supplied in the form of a desiccated powder, put up in one-ounce vials. The powder may be dispensed in capsules. One grain represents 12 grains of fresh gland.

"Indications: Neurasthenia, diabetes, hypertrophic prostatitis, impotence, hysteria, hystero-epilepsy, and as an aphrodisiac. Beneficial effects have been observed in eczema, psoriasis, and obesity.

"Dose: One to five grains is the usual initial dose, to be increased Pro re nata."

Mr. Mathias: You see they give the same dose as in the didymin.

Now, I offer in evidence, as "Respondent's Exhibit No. 7," being the Bulletin-Journal of Animal Therapy of November, 1915. The parts to which I shall refer are as follows:

"Formulas. Lymph-Compounds (Roberts-Hawley).—

Lymph, and lumph gland extracts, brain and cord extracts—from young goats. Orchitic fluid, concentrated, chiefly from globus major and minor—from bulls. Chl. of Au. and Na., 1/250 gr. to each minim of Lymph-Compound. Details of formula and method of preparation in our literature.

"The miscroscope will show the perfectly preserved lymph cells and spermatazoa in the Lymph-Compound. Used hypodermically.

"Emulsion of Lymph Orchitic Comp. (Hawley).—For stomach absorption only. Formula practically the same
290 as above. See literature.

"Guaranteed under the Food and Drug Act; June 30, 1906. Serial No. 2151."

Mr. Cox: That is objected to and I move that it be stricken out, for the reason that it is not the substance that is used in this case.

Mr. Mathias: You have proved, or attempted to prove, in your case, that no orchic extract could possibly affect the ailments which we advertise to help. Here is an orchic extract or remedy that has had a very potent and initial effect in numerous diseases, and the particular part of this book; other than that which is read, that I wish to offer in evidence are on pages 6-21, both inclusive.

Mr. Cox: Well, it is objected to for the reason stated.

Acting Solicitor Southerland: Let me look at it, Mr. Mathias, Do you think that this proves that the remedy used by the respondent.—

Mr. Mathias: It proves that orchitic substance is a good remedy. Your whole case has been based upon the subject of orchitic substances being valueless as a remedy.

Acting Solicitor Southerland: I think you are mistaken about that.

Mr. Mathias: That is what the doctors testified to.

Acting Solicitor Southerland: I will overrule the objection to this question and will receive the offer for what it is worth at this time. We will continue it in connection with all the evidence in the case and determine at a subsequent date, whether it is material or immaterial, and whether it throws any light upon the case, and if it does, we shall
291 be very glad to consider it in connection with all the evidence in this case.

Mr. Mathias: I would like to have all the reports appear-

ing in this pamphlet from pages 6 to 21, inclusive, considered as read. I can state the substance of them and save time here.

Acting Solicitor Southerland: If you will just hand that to me I will read them while you go on to the next exhibit, and we will regard them as in evidence in the case.

Mr. Mathias: These reports show beneficial results obtained by treatment with this substance in neruasthenia, morphine habit, epilepsy, rheumatism, arthritis, arterial-sclerosis, diabetes, pulmonary tuberculosis and incompetency.

Acting Solicitor Southerland: Mental or physical results?

Mr. Mathias: Well, you can read it yourself. There are the cases. The impotence cases are at the end (Passing the pamphlet to Mr. Southerland).

Acting Solicitor Southerland: Go right ahead, Mr. Mathias.

Mr. Mathias: In a publication of March and April, 1918, by Parke, Davis & Company, under the head of "Therapeutics Notes," appears the same substance with reference to orchic substance, desiccated as appeared in the former advertisement of that advertisement by Parke, Davis & Company; so I will just show you that and not offer it in evidence.

Mr. Cox: Is it in the same word?

Mr. Mathias: In the same words.

Mr. Cox: Does that happen to be the formula under 292 which you work, this Parke, Davis & Company's formula?

Mr. Mathias: Yes.

Mr. Cox: That is your remedy, is it?

Mr. Mathias: The same remedy.

Mr. Cox: Well, do you claim that it is indicated for neurasthenia, diabetes, hypertrophic prostatitis, impotence, hysteria, hystero-epilepsy, and as an aphrodisiac, and all those things, and also for eczema, psoriasis and obesity?

Mr. Mathias: Well, here it is. That is what I offer in evidence.

Mr. Cox: I do not question your comparison, you understand. I say is that your claim also?

Mr. Mathias: Yes; I believe that this document shows it is indicated for those troubles. Now I will offer, as "Respondent's Exhibit No. 8," a magazine entitled "The Metabolist," January, 1916, published by the Manufacturers of hormotone and containing a record of progress in the study of the internal secretions and metabolism. I invite particular attention to pages 103 and 104 under the term "Thyroid and

testicular treatment in a case of chronis rheumatism and psoriasis."

Mr. Cox: That is an advertising sheet, is it not?

Mr. Mathias: I do not know whether it is or not. Pretty nearly all of these concerns issue a publication every month and this is a publication containing reports of cases.

Acting Solicitor Southerland: Mr. Mathias, I am going to sustain Mr. Cox's objection to these things that you are reading unless you are going to put them in evidence.

Mr. Mathias: All right. The portion of "Respond-
293 ent's Exhibit No. 8," which I offer read as follows:

"The author reports the case of a man of 72 in whom severe pruriginous psoriasis and mild chronic rheumatism had come on slowly in a period of seven or eight years after emotional distress, due to the loss of three children. The rheumatism was worst in winter; the psoriasis in summer. The itching from the latter condition was continuous and prevented sleep. The circinate character of the lesions suggested the possibility of syphilis, but the Wassermann reaction was negative. Signs of hypothyroidism being present, the writer prescribed thyroid cachets, of 0.025 Gm. (2/5 grain) each, with rapid benefit to the rheumatism, but none to the psoriasis. As the patient showed breasts of a somewhat feminine type, with sexual frigity of six years' duration, and also hypotrichosis, the writer remembering that the testis is rich in sulphur (Brisson) and has a marked action on the skin, prescribed cachets of testicular powder—one of 0.2 Gm. (3 grains) daily—with rapid benefit to the itching and psoriasis, and return of sleep.—(Leopold-Levi, Comptes-rendus de la Societe de Biologie, June 6, 1913, Mo. Cyc. & Med. Bull., Feb. 1914.)"

Mr. Cox: That is objected to on the same ground, if the Court please.

Acting Solicitor Southerland: I will receive it subject to the same objection, and we will determine later whether or not it has any materiality in this case.

Mr. Mathias: I offer as "Respondent's Exhibit No. 9," that portion of the publication of Parke, Davis & Company called "Therapeutic Notes," contained on page 42, re-
294 lating to orchic substance. That is the same as in the other publication.

Mr. Cox: That is objected to on the same ground.

Acting Solicitor Southerland: The same ruling.

Mr. Mathias: I now offer as "Respondent's Exhibit 10," the book entitled "Old Age Deferred" by Arnold Lorand, M. D., of Carlsbad, Austria.

Mr. Cox: That is objected to if you offer the book proper without qualifications.

Mr. Mathias: The particular parts which I offer are on pages 45 to 54, inclusive, and pages 441 to 445, inclusive.

(The portions referred to are as follows:

Chapter V.

"On the Influence of the Sexual Glands upon Vitality and Long Life.

"When we study the history of people who present a youthful appearance late in life, and reach an extraordinary old age,—up to 120 or 140, or even 160—we are surprised at the unmistakable evidence of a strong sexual activity in most of them, which is only possible by being possessed of healthy and active sexual glands; and thus it would appear that the possession of such glands may impart a strong vitality and the best chances for a long life. That such is the case we will endeavor to show by evidence of an experimental nature, and also by facts gathered from observation of the long lives of the patriarchs.

"When the sexual glands of a person are extirpated, such castrated people, be it man or woman, soon get old. This
295 we can see in the case of eunuchs who get wrinkled even in their youth, such also get fat, and present other symptoms of premature old age; and the same is observable in women whose ovaries have been removed.

"Matthew Paris, the historian, in his description of eunuchs and the appearance of early old age, tells us that in 1253 Frederick II, Emporer of Germany, married Isabella sister of the King of England, and he presented to his wife several Moorish slaves who were eunuchs, for servants, who looked like old masks. Pelikan also mentions that the whole community of castrated skopze in Russia, has a withered aspect; and in his book Merchejewski relates that their skins is withered and wrinkled and that they look worn out, aged and senile.

"Besides provoking senility at an early period, castration or a degenerated condition of the sexual glands, especially in women, is able to produce alterations in organs, which are

of great importance to the vitality of individuals, and to a long life, such as the heart, stomach, intestines and liver. Experienced authorities have noted heart troubles in dysmenorrhea and amenorrhoea, and also neurosis of the heart with long, lasting alterations of the female sexual glands. Professor Kisch also noted tachychardia in such conditions. Professor Landau has very often observed a degeneration of the heart after myoma of the uterus. Lehman and Strassmann, in the Berlin Charite, have seen such a degenerated condition of the heart in 44 per cent of patients with myomas of the uterus.

"It has been shown by experiments that there is a
296 close relation between the condition of the ovaries and the heart. Professor Hegar, has demonstrated that castration, or simple tugging of the ovaries is able to produce a diminution of the heart beats, or even a stoppage of the hear' Lucas Championniere has also noted the same after a tearing of the ovaries, and Mariagalli and Negri have also noted tachychardia after laparotomy.

"Very important also are the relations between the ovaries and the digestive organs, Kretschy observed in a case of fistula, in the stomach, that alterations of the female sexual organs regularly produced also alterations of the digestive functions; for instance, during menstruation there is always an increased flow of hydrochloric acid. The same has been found by Fleischer, who noted during this period a sluggishness in digestion, which improved after menstruation.

"Tanecki found dyspeptic troubles in cases of retroflexion of the uterus, and Eisenhart has observed the disappearance of acute gastric troubles after a cure of retroflexion.

"P. Muller also declares that there are intimate relations between the sexual glands and the digestive organs. He also observed dyspeptic troubles during menstruation; and Professor Leyden has noted neuralgia and hyperaesthesia of the stomach in young girls after menstrual troubles.

"Habitual chronic constipation, which is so frequent after a degenerated condition of the sexual glands, points to the existence of close relations between these organs and the intestines.

297 "Based upon clinical observations, we have advanced the theory that alterations of the ovaries are able to produce alterations also of the liver, and the circulation of the bile, with formation of gall-stones. Castration also produces

alterations of the thyroid; first, its hyperactivity with increase of colloid substance, and, afterwards, its degeneration.

"Castrated animals or persons seem to offer less resistance of infection, which may be on account of the connection, is shown by the experiments of Metschnikoff and others, that the testicles are altered in infections, which has been shown to equally the case with the ovaries. (Professor Cornil.) The sexual glands, as the ductless glands in general, have the duty also of protecting the body against the various kinds of intoxication and infections, as already emphasized.

"From the foregoing there can be no doubt that degenerated conditions of the sexual glands, by producing alterations in important organs, diminish vitality and the chances of an advanced old age.

"This seems also to apply to males, for there is no evidence showing that any eunuchs has reached a very advanced age, whereas there is plenty of evidence of persons with strong sexual glands having lived far beyond 100 years. The vitality of persons if totally castrated is, as a rule, diminished.

"Again if we study the history of persons who attained the maximum span of life, we find many evidence of the existence of strong sexual impulses. Thomas Parr, who lived
298 to nearly 153, has been accused of having committed a sexual offense in his 102d year, for which he was found guilty and punished. Reaching even a greater age, his sexual appetite does not seem to have diminished, for he married, eighteen years after, a widow, who said she could discover nothing that would betray his great age.

"Drakenberg, the Dane, who is buried in the cathedral in Aarhus, Denmark, lived 146 years, and reached this advanced age although he was more often drunk than sober. When he was 111 he married a woman of 60, and after she had died he fell in love in his 130th year with a young peasant girl; but this blooming flower of the Jutland peninsula, famous for its fresh and healthy girls, refused her ancient wooer, who, nothing daunted, tried his luck with several other young maidens but with no better success; therefore, he had perforced to remain a widower, and he lived an additional sixteen years. Possibly if he had addressed widows or elderly spinsters, he might have succeeded, but it is very instructive that this ancient Methuselah insisted on marrying a young girl, which certainly speaks in favor of strong sexual feelings in so old a man, and, indeed, we may say it is an object lesson

to us to observe that these ancients were always anxious to marry again so soon as they became widowers. That it was more than a mere formality or bond of platonic affection, was attested to by Thomas Parr's wife, when he was in his 130th year.

"If many children be considered a sign of sexual activity and capacity, these very old men distinguished themselves in this respect, as most of them had numerous progeny. Several had a score of children after they were 80. Peter Albrecht, who lived to be 123, married in his 85th year, and had 7 children. Another patriarch, Gurgen Douglas, born in Marstrand, near Gothenburg, Sweden, who reached to 120 years and 7 months, married in his 85th year, and had 8 children, one of which was born when he was in his 103rd year. This child was an idiot, but as it is very interesting to note, otherwise physically well developed.

"An Italian, Baron Baravicino de Capellis, died in 1770 at Meran, a climatic resort in the Tyrol (Austria), in his 107th year. He had 4 wives, the first of whom he married when he was 14 and the last when he was 84. He had 7 children, and it is an interesting fact that his wife was pregnant when he died.

"As an English paper has reported, in 1796 there was a shoemaker, R. Glan, living near Philadelphia, Pan., who died at 114, and never missed Sunday service. At his decease his third wife was but 30 and his virile powers were normal.

"We need not be too skeptical as to the legitimacy of the children of fathers of such advanced age for reasons we will mention later. Examples of fathers at ages above 60 to 70 are not so exceedingly rare. A very good example of this is that of a crowned head of one of the European countries, married morganatically, who, in his 72nd year, was presented by his wife, with a child, and nobody who is acquainted with the powerful constitution of this monarch and his predilection for the fair sex will doubt his happiness as a father. He is noted for his marvellous intellect, which again, is so frequently met with in persons with very active sexual glands.

"Several of these ancient patriarchs, at the autopsy, presented a wonderfully good state of preservation of the various organs. Thomas Parr died in his 153rd year, and his autopsy was made by one of the greatest physicians in the history of medicine—the celebrated Harvey, the discoverer of the cir-

culation of the blood. Harvey found every organ in this wonderful old man in perfect condition. His death was attributed by Harvey to over-eating as Parr had always lived a very frugal life. The Kind of England invited this astonishing personage to London, in his 152d year, as he wanted to know this most interesting of his subjects; but the rich food he received in the royal household did not prove beneficial to him, and though his 152 years of frugal life were unable to kill him, nine months of an opposite style of living succeeded in so doing.

"We should not wish to omit mentioning again the important fact that, with few exceptions, the persons who lived to such an extraordinary age were married, and some of them three or four times, which again serves to show us the great importance of marriage as a means to reach a good, old age.

"We have quoted these instances of longevity from Hufeland, one of the greatest German Physicians of the eighteenth century, of whose truthfulness there can be no doubt. The great German physiologist, Pfluger, also quoted some of the above examples of great age in his address in celebration of the birthday of Emperor William II, at the University of Bonn. When Parr had been found guilty of a misde-
301 meanor in his 102d year facts were adduced in the courts which showed that, as Pfluger says, this "100 jahrige durchaus die Eigenschaften eines Kraftegen jugenlichen mannes besass' (the man of 100 years really had the qualities of a powerful young man.) Pfluger quotes this from Flourens, and we were pleased to find an account of the autopsy of the celebrated patriarch in a leter from Harvey, himself, to his nephew published by the Syndenham Society: 'The body was in such a good condition in a man of 153 that the cartilages of the chest vones were not yet ossified.' Harvey put it: 'The cartilages were soft and flexible,' black hair on the fore arms, and the organs apparently healthy. Probably the facts that the testes, as Harvey says, 'were sound and large,' had something to do with it. He was also an affectionate husband, and to quote Harvey again, 'His wife told me that until twelve years ago he never ceased to embrace her frequently'; that is, when he was 140 years old! At the autopsy of John Bayley, of Northampton, who died 130 years old, Dr. James Keill, found his tests of large size.

"We have also knowledge of a very interesting case, that of an Irishman, an ex-navy man, who, according to the ad-

miralty official statistics, was 113 years old and whose body was dissected by Professor Cunningham, Professor of Anatomy of Edinburgh University. As Dr. Cunningham, himself told us, the testes were sound and healthy looking, and the cartilages of the chest bones not yet ossified. Death was not due to old age, but to a prostate abscess, except for which the body was in good condition.

"Metschnikoff also mentioned in his 'Etudes sur la
302 Nature Humaine' examples of old men between 94 and 104 years who suffered from copious spermatorrhoea, and whose semen he has found a great quantity of spermatazoa. He and Dr. Weinberg observed similar conditions in old dogs of 18 to 22 years of age, one of whom just before his death had shown marked sexual tendencies. Saverio Spangaro, examining the testicles of a number of old men, found many of them atrophied, but others showed microscopically no difference to the testicles of younger individuals; there were only slight mocroscopical changes. This again proves our theory, that old age is not due to the degeneration of one, but of several glands with internal secretion, similarly to other diseases of these glands, like diabetes, acromegaly, etc.

"The above facts of the preservation of the sexual glands, in advanced old age, proves also the important fact that though the actual age be there, the symptoms of it may not be very pronounced if but the sexual glands are in good order. Of course, the condition of the other ductless glands, is of importance, for old age must be regarded as the consequence of the degeneration of the different ductless glands, and not of one gland alone.

"When we consider the splendid health enjoyed by most of these patriarchs and the good condition of their organs why should we deny the possibility that they were disposing of at least one lively spermatozoon, and thus we shall have no reason to doubt their happiness as fathers.

"We must also add that the truth of the extraordinary age of these persons has been proved, in most cases, by
303 documents, sometimes, even in courts of law; also by the recollection of very old people who, in their own early childhood personally knew them.

"That people with strong sexual impulses very often reach a very advanced old age, we can often observe. There are plenty examples in the history of the world. Thus, the greatest debauchery did not prevent Louis XV becoming very old, and the Emperor Tiberius lived to be 78 after his notorious

life. However, in the same way as with alcohol and tobacco, we would here repeat 'Quod licet Jovi, non licet bovi' (for, 'what suits Peter may not suit Paul').

"We may also refer to a few instances coming under our own observation. A few years ago one of our confreres at Carlsbad died, 96 years of age. His intellect was perfect, and a few months before his death we had a consulation together about a patient who was 83, at which he gave evidence of wonderfully clear intelligence. In his behavior toward the fair sex (whom he much admired) he showed a chivalry and gallantry outvying men of half his age. Up to the last he never failed to attend a theatrical performance when there was an operetta or a ballett. There was nothing to prevent his attaining a greater age, but falling in his room, he contracted a fracture of the femur, followed by pneumonia, which put an end to his medical practice, for this wonderful old man in his advanced years paid his daily visits, which he only intended to cease, as he said, when he reached 100.

"A prominent member of the aristocracy of one of the northern countries of Europe, who is at present 90 years
304 old, having been reproached several years ago by his relatives for his amorous advances to the fair sex, gave the answer, 'You do not know what it means to be an old man with the body of a young man.' This old man still rides on horseback and still goes shooting. The fact that he looks a handsome man of 60 may be explained on the basis of our above observation.

"In advanced old age the preservation of the sentiments toward the opposite sex, which allows us to presume the presence, and not yet extinction, of an internal secretion of the sexual glands, is often found in combination with a high intellect. This is also proved by the example of Goethe in his 83rd year, for in his old age his intellect would have been credible to a man of 30. When he was over 81 he astonished his audience by the uninterrupted current of his ideas, also the extraordinary richness of his inventions. Commenting on the above, Moebius, in an interesting biography on Goethe, says: 'From the physiological standpoint, the astonishment evoked by the works of this old man is almost greater than that about his juvenile activity.' He finished the second part of 'Faust' when he was over 82. At Metschnikoff says: 'It is love that was the greatest stimulant of the genius of Goethe', for it is well known that Goethe was an ardent ad-

mirer of the fair sex. When he was 74 he was passionately in love with Ulricke Lewetzow, who was still in her teens. He danced like a youth when in her company, and it was at this time that he wrote to his son that he had never, up to this felt so well in mind and body. He wanted to marry the young girl, and the Grand Duke of Saxe-Weimar asked in Goethe's name for her hand; but the mother was not willing to allow a marriage between persons of such divergence in
305 age So much was Goethe in love with the young girl that his disappointment contributed to develop a serious illness (Eckermann). Even when he was much older he again renewed his relations with Miss Marianne Young, and was then, to a certain extent, consoled for his disappointment over Miss Lewetzow. He preserved his admiration for the fair sex until his death, and even in the closing day of his life in his delirium he called out, 'Look at that beautiful woman's head with dark curls on a black background!'

"A similar retention of the sexual sense we see in the advanced years of Victor Hugo, whose admiration of the opposite sex continued till his death. Ibsen, the celebrated Norwegian dramatist, kept up a well-known correspondence with a young lady whom he met at Marienbad a short time before he died in advanced old age.

"Sometimes in women of extreme age instances are quoted that would seem to indicate that in them also the activity of the sexual glands may not have been extinct. It is stated that Ninon de l'Enclos was in her 90th year still so beautiful that a young abbe fell desperately in love with her. We know an Italian lady of 69 who is still good looking, presenting the appearance of 45, and she still menstruates. That she was sexually active is shown by the fact that she has 12 children. There is more fire in the eyes of this Italian matron than in many women of half her age. That the possession of active sexual blands influence the looks very much can also be proved by the pale, yellow-gray and
306 aged looks of even young women suffering from serious chronic diseases of the sexual glands, and also of women who have caused these organs to degenerate owing to sexual excesses.

"The fact that persons who have attained advanced old age in robust health and perfect intellect often show signs of perservation of the sexual glands, permits the inference, especially considering the foregoing examples, that a perfect condition of these glands is an important factor toward vi-

tality and long life, for which reason we devote a long chapter to the best hygiene of the sexual glands."

"Less active than the ovarian preparations are the extracts of the testicles, at least in the form in which they are at present used. It is very probably that this may be due to the testicles of bulls being mainly used up to now, for just as their ovaries are, so also may the testicles of cattle be less efficacious. In addition it is also probable that these extracts to not contain certain effective parts of the testicles. It has been demonstrated by several authorities, as Shattock and Seeligmann, Ansele, and Bouin, that the internal secretion of the testicles is derived, to a certain extent, from the interstitial cells, a group of cells imbedded in the spaces between the individual tubules. In some animals, as in the pig, as found by Shattock, these cells are contained in such amount that they form a special part of the testicles called by Shattock (paratubular glands', and for this reason alone pigs' testicles should be preferred. It seems that the interstitial cells can only play a role in combination with certain 307 other part of the male sexual organs for certainly when alone they cannot represent the part of the testicles which gives the real internal secretion. This is shown by the fact that they are found in the largest number of degenerated conditions of the testicles—for example; in cretins (Lant), in undescended testicles 'Bellingham Smith) and in atrophied testicles of old men (Haviero Spangaro.)

"That testicular extracts are able to improve the symptoms of senility has been shown by the celebrated physician, Brown-Sequard, from experiments on himself. He used an extract prepared from the crushed testicles of guinea-pigs, or dogs. After injecting these extracts into his arms and legs, this old savant of 72 noted a considerable increase in his muscular and mental powers. As he mentioned in his communication to the Paris Biological Society, he observed in himself an augmentation of the energies of the nervous centers; he found that he could do more work than formerly, and that without getting tired he could more easily ascend the staircase, nearly running, just as he used to do until he was 60; and by the dynamo-meter he noticed a decided increase in the muscular power of his extremeties. All his excretory functions were improved; he had laxative action of the bowels without resorting to purges to the same degree as formerly, his stream of urine became much longer, thus indicating a better muscular power in the urethra; he could work stand-

ing for a few hours, whereas before he was always obliged to be seated; and he found that his intellectual powers increased considerably.

308 "It is almost unnecessary to add that this startling communication was received in spite of his great fame, with scepticism, and by many even with derision. And yet it is these discoveries by Brown-Sequard that have laid the foundation of our present knowledge of the internal secretions. That the effects were not due to auto-suggestion has been shown by the experiments of Zoth and Pregl, who found, by means of Mosso's ergograph, an increase of mucular power through the injunction of testicular extracts. It is also very interesting to note that in a few diseases which usually occur only in advanced age, testicular extracts have given good results, such as in Parkinson's disease and intabes dorsalis, as shown in the communication of Brown-Sequard and D'Arsonval to the Paris Biological Society in 1892.

"We have also, for experimental purposes, tried on ourselves testicular extracts from the pig, and indeed we found a decided increase in muscular and mental power. Thus we are able to climb the highest hills, much more quickly and with much less fatigue than before; and we made the same observation in regard to increased mental activity; and we must strictly defend ourselves from any suspicion of having been influenced by autosuggestions, which is not to be inferred after similar observations of other authorities. Similar results we have personally observed after injection of spermin (Poehl). This substance, obtained from the testicles of animals, was introduced by Prof. v. Poehl, of St. Petersburg, and has been commented upon my many authorities, among then Professor Senator and P. F. Richter. According to Poehl it advanced all the processes of oxidation in

309 the tissues as is shown also by the experiments of other authorities—for instance, Prof, Tarchanoff, Prof. Loewy, Richter, etc—who found that it is able also to powerfully alkalinize the blood. It has been proved by a mass of experimental evidence that spermin is a catalytic ferment, and that it regulates tissue oxidation. Poehl insists that the diminution of alkalinity of the blood may also reduce the resistance of the body to infection, a fact fully sustained by the theory of Dr. Sajous, that immunity is influenced by alkalinity; and it is probably due to this that many authorities have obtained good results from spermin treatment in various infectious diseases and in conditions of autointoxication. Loewy

and P. F. Richter found that spermin increases hyperleucocytosis and the albalinity of the blood. The same effects have been claimed by Brown-Sequard and D'Arsonval for testicular extracts. They reported cases of successful cures in tuberculosis, and Ouspenski has successfully treated Asiatic cholera with them.

"In the experiments made by Loewy and Richter, at the suggestion of Professor Senator, on animals, it was found that experimental diseases, such as pneumonia, terminated much better after an injection of spermin.

"As found by Bukojemsky, Hirsch, etc., spermin treatment has given good results in senile marasmus; and senile pruritus can be improved by it, as stated in two cases by Bosse. Very interesting, also, are this latter savant's observations in a case of optic atrophy due to syphilis, when spermin was used. The patient was nearly blind, and after sixteen
310 injections of spermin he could again see the hands of a watch.

"Spermin is contained in different organs, especially in the ductless glands; and among these the testicles are naturally the richest in such a secretion. In order to obtain the best testicular preparation, the whole substance of the testicles must be taken, together with the interstitial cells, and not the latter only. Brown-Sequard prepared his extracts from guinea-pigs and dogs, which do not have a large number of these cells. We should like to take into consideration the discovery of Professor Lanz, who found in the testicles of impotent cretins a large quantity of interstitial cells; yet neither the physical nor mental condition of cretins permit the inference of very active sexual glands.

"In our opinion, the most active testicular extracts would be those derived from the testes of the pig; but not from the testicles only, for the preparation should also contain extracts from the prostate as well, for in the human body the action of the testicles is inseparable from that of the prostate. This has been shown by the experiments of Camus and Gley, who found that seminal fluid exhibits more lively movement of the spermatozoa when a little porstatic liquid is added to it. It is thus very probable that by adding prostatic extracts to those of the testicles, the vitality of such extracts may be enhanced.

"It is important to note than in his article on old age in Dr. Stedman's well known work, Boy-Teissier relates that he

obtained very good results from Brown-Sequard's testicular extracts in the treatment of old age.

311 "We have seen in Chapter V what a marvelous influence the sexual glands exercise on vitaliry and long life; if, therefore, by testicular extracts we can enhance the activity of the sexual glands, it would be really worth while to do so.

"In addition to thyroid, ovarian and testicular preparations, the extracts also of the kidneys should give good results in the treatment of old age and in the prevention of a prematurely aged condition, by improving the eliminative functions of the kidneys."

Mr. Mathias: Now, I want to offer in evidence, as "Respondent's Exhibit No. 11", the book called Organotherapy, by H. Batty Shaw, M. D., F. R. C. P.; Lecturer in Therapeutics, University College, London, Assistant Physician to University College, Hospital, and to the Hospital for Consumption and Diseases of the Chests, Brompton.

The particular parts I wish to offer are found on pages 192, 193, 194, 195, 196; and also on pages 204, 205, 206, 207 and 208. They read as follows:

"Out of the welter of contradiction and hasty conclusions a few facts have been rescued which are irrefutable. The extract of the testicle does exert toxic effects, and certain definite effects can be obtained from the use of spermin, which is obtained from the testicle and also from other organs. Testicular extracts are also rich in phosphorus, and their action is exactly comparable to that of the lecithins and glycerophosphates.

"The existence of the parathyroids in close relation
312 ship with the thyroid gland, of the islands of Langerhans, in the pancreas, and of a more or less sharp distinction between cortical and medullary cells in the suprarenal body, has very naturally prompted an inquiry as to whether the testicle contains cells other than those whose special function it is to secrete the constituents of the seminal fluod. The epitherilium of the seminiferous tubules contains three different varieties of cells, an outer layer lying in close relationship with the basement membrane of the tubules, an intermediate layer of spermatogenic cells derived from the first layer of cells and an innermost layer of spermatoblasts derived from the second payer; the spermatoblasts give rise to spermatozoa after having first become

closely connected with special members of the outer layer of cells known as 'sustentacular cells'. The parent cells of the tubular contents are thus seen to form the outer layer and most important amongst these are the so-called sustentacular cells. Another group of cells, the origin and significance of which are unknown, is the group of 'interstitial cells', lying outside of the tubles in the spaces between individual tubules. Their appearance recalls the epithelium-like polyhedral cells seen in the cortex of the suprarenal body, which they further resemble in containing yellowish granules; similar cells are seen in the stroma of the ovary. Shattock and Seligmann suggest that possibly the sustentacular cells of the testicles may contain a sort of prosecretin, which is converted into testicular secretin by chemical changes accompanying spermatogenesis, the secretin being then absorbed as an in-
313 ternal secretion. They also suggest that it is possible that the 'interstitial cells' supply an internal secretion. The same observers (loc. cit.) have attacked the theory that the acquirement of secondary male characters is dependent on the discharge of sperm, metabolic changes being set up by a nervous reflex arising from the mere functional activity of the sexual mechanism. Shattock and Seligmann show that the occlusion of the vasa deferentia in the young of Herdwick sheep and of the fowl does not inhibit the full acquisition of secondary sexual characters. They were further able to show that as part result of some of their attempted operations of caponisation portions of the testicle were left behind, but dislocated from the proper anatomical site. Such portions of testicles grew in the new position; they were devoid of any channels communicating externally, and consisting of tubuli only, became virtually examples of ductless glands; their natural nervous connections were also severed. The fowls in which this incomplete caponisation was practiced developed male characters. The metabolic results arising from the activity of the grafts must be attributed to the elaboration of an internal secretion and its absorption into the general circulation. This important contribution to the study of internal secretion gives additional support to the alleged beneficial effects of the use of testicular substances or extracts.

"That the testicle has important influence on the development of other organs of the body, has been shown by Cecca and Zappi. They castrated rabbits and killed them after

three months. Comparisons were made between the con-
314 ditions of the various organs of the mutilated animals as compared with control animals. A gain of weight took place in most of the castrated animals; the thyroid gland was found to be enlarged, and the vesicles contained more colloid than normal; the suprarenals also showed an increase of the medullary substance; no changes were found in the parathyroids, thymus or pituitary body.

"Application in Disease—Reference has already been made to the use of testicular preparations in various conditions, including those in which there is grave organic disturbance of the nervous system, as in tabes dorsalis, and in functional conditions, such as neurasthenia. It has been pointed out that, although some improvement follows the treatment, such good effects are dependent largely upon the organic phosphorous, lecithin, etc., contained in the preparations. The same explanation probably holds good for the improvement observed in cases of impotence, depression, melancholia and other psychoses, paralysis agitans, tuberculosis, etc.

"It has been found by Burghart that the use of didymin and other testicular preparations in cases of glycosuria may be followed by a reduction in the amount of sugar in the urine, and this improvement may be maintained after the drug has been discontinued. It is not at all improbably that testicular extracts, like thyroid substance, which has been shown to exert a direct oxidising effect, are capable of stimulating cellular activity and increasing the power of the cells to destroy sugar; this property is also present in ovarian substance. Didymin was found by Burghart to be of use
315 in obesity.

"Bouffe has made use of testicular extract (orchitin) in the treatment of eczema and psoriasis and obtained good results. Orchitin was administered by intramuscular injection in doses increasing from 10 to 20 c. cm. daily during the course of three months. He had treated 83 cases of psoriasis, and got cures without recurrence in 77.7 per cent. He also found that the injection of orchitin produced favourable effects in cases of irregular menstruation. Friedlander describes the favorable effects of the use of testicular substance in three cases of prostatic hypertrophy. Lloyd Jones recommends the use of didymin in exophthalmic goitre, 10-20 grain doses daily being given for periods of six months; he reports improvements in the pulse rate, in the tremor, nervous excit-

ability and exophthalmos, but not in the size of the thyroid tumour.

"Dosage—Solutions can be obtained for hypodermic injections in quantities of 1-3 c. cm., or by eight 2.0-3.0 grammes up to 8 grammes. Orchitin may be given by the mouth in doses of 0.5, 0.8, 1.0, or 3.0 grammes in twenty-four hours. Tabloids of didymin (5 grains) may be given, 1 to 4, three or four times a day; dried pulverised testicular substance, one part corresponding to six parts of the fresh organ, may be given in 1 to 2 gramme doses daily, and opoorchidinum in 5 to 8 gramme doses, three times a day.

"The hypodermic injections are given daily for several weeks and months, the injection being made in the side of the abdomen or in the lumbar region or between the shoulders."

316 "Spermin—In following the accounts of the effects produced by the use of ovarian and testicular substance, it must be acknowledged that it is somewhat unsatifactory not to be able to point to the particular substance which is responsible for the improvement produced. The preparation of testicle contains proteids, fats, nuclein, lecithin, cholersterin, hypoxanthin, guanin, adenin, kreatin and kreatinin, and yet none of these has been shown to exert a specific effect on the metabolism of the body, nor has a specifically active substance been isolated from the ovary which can be considered responsible for those changes which the use of ovarian preparations is capable of producing.

"Poehl has introduced into therapeutics a substance known as spermin. This substance, which is a leucomaine or product of the retrogressive metamorphosis of proteids, is derived especially from nucleo-albumin and is probably contained in most of the preparations already enumerated, derived from the testicle and ovary. Spermin may be obtained as a syrupy liquid, is tasteless and colourless, is very alkaline, is insoluble in either but very soluble in water and alcohol. Its chemical formula according to Poehl is $C_5H_{12}N_2$; as Poehl and Mendeljeff have shown, it is not identical with piperazine. Spermin forms soluble salts with hydrochloric, nitric and sulphuric acids, whereas the salt formed with phosphoric acid is insoluble. The crystals known as Charcot-Leyden crystals, found in spermatic fluid, in the blood of leucocythaemia, in asthmatic expectoration, in the pus removed from empyemata

and in the dejecta obtained from individuals affected
317 with helminthiasis, are phosphate of spermin. Poehl
speaks of this salt of spermin as the (inactive' form, whereas the base spermin constitutes 'active' spermin. Spermin possesses the very curious property of being an oxygen carrier, and according to Poehl is responsible for those internal oxidations which take place in the body tissues. The oxidising power of spermin is quite remarkable, for it is found that in a dilution of 1 in 10,000 it is able in the presence of a few drops of chloride of platinum solution to convert powdered magnesium instantly into gelatinous magnesium oxide, hydrogen being given off the odour of spermatic fluid being developed. Blood which has lost its power of oxidation through the artificial admixture of chloroform, free acids, etc., can have this power restored once more by means of spermin; spermin also increases the alkalinity of the blood. Blood acting alone on guaiacum resin produces on blue colour; if spermin be substituted for hydrogen peroxide or ozonic ether the ordinary blue colour at once appears. Tarchanoff has shown that transverse division of the spinal cord reduces the oxidation going on in the tissues of the body; this process is again restored by injection of spermin. By the introduction of spermin into the system, the relative amount of urea, (an end product of the oxidation of proteid) as compared with the total nitrogen excreted is raised.

"The presence of spermin prevents the phenomena of reduction which accompany the development of the cholera
baccillus in cultures, and it also suppresses the produc-
318 tion of the cholera-red reaction.

"Spermin thus would appear to play the part of a catalytic ferment which regulates the tissue oxidation. In order to be able to act, spermin must exist in an alkaline medium, otherwise it is crystallised out as the well-known Charcot-Lyden crystals.

"Spermin is found in the thyroid gland, in the thymus, pancreas, spleen, blood, brain and ovaries, but it is expecially abundant in the testicles and prostate.

"According to Poehl's theory, various substances incompletely oxidised are liable in certain diseases to be retained in the system, hence the occurrence of such auto-intoxications as gout, uraemia, diabetes mellitus, etc., and he holds that in these conditions there is an acid intoxication, or rather a reduction of the alkalinity of the fluids of the body, with

the result that the spermin is rendered inactive. By the introduction therapeutically of spermin, it is possible to reinstate the oxidation processes, and at the same time to restore the blood to its normal degree of alkalinity. Spermin produces at first a fall of the number lf leucocytes and then a rise.

"Poehl does not advocate the use of spermin against any particular malady, but makes use of its general 'tonic' influence in various diseases.

"It has been objected that it is not usual to be able to demonstrate Charcot-Leyden crystals in the disorders in which spermin treatment is applied, but Poehl's answer is that in many of these cases the phosphate of spermin does not exist in a crystalline but in an amorphous form. Exception-
319 ally this may be the case even in leucocythaemia. (Wagener and v. Jaksch).

"Spermin has been found useful in neurasthenia, various rheumatic affections, in locomotor ataxy, diabetes mellitus, syphilis, typhoid fever, diphtheria, cholera, tuberculosis of the lungs, marasmus, psoriasis, eczema and acne, and various cachexiae, It is useful in all cases of excessive mental or bodily fatigue and after severe operations. It is inadvisable to administer spermin in certain cases of epilepsy, or of psychical conditions characterized by much excitement. Further indications for its use are given by Noe. Bosse used spermin in the treatment of optic atrophy of syphilitic origin. His patient was all but quite blind, and no results could be obtained by means of potassium, iodide, pilocarpine or strychnine injections. A first attempt was made by means of an extract of testicle injected as a klysma; pruritus developed. Spermin was then administered and injected sixteen times. Five months after the beginning of the treatment the patient could again see the hands of a watch. This case and two other cases of pruritus senilis were relieved by the injections of spermin.

"Dose—Two preparations are in use; one, the essentia spermini, is administered in doses of 10 to 30 drops in warm alkaline water such as Karlsbad, Ems or Vichy; the first dose is taken fasting in the morning and other during the day. The essentia spermini is a 4 per cent. solution of the sodium-spermin double chloride, and is aromatic and alkaline. Another solution, to be used hypodermically when quicker effects are required, consists of a sterile 2 per cent. solution of sper-
320 min in physiological saline solution. With aseptic precautions, no harmful results follow. The dose for injec-

tion is 1 to 2 c. cm. daily. In grave cases the dose may be repeated several times."

Mr. Mathias: I offer in evidence as "Respondent's Exhibit No. 12," a book entitled "The Organs of Internal Secretion; Their Diseases and Therapeutic Application, A Book for General Practitioners," by Ivo Geikie Cobb, M. D., M. R. C. S.

This book I refer to especially because it expresses all these things and refers to the doses, either by hypodermic or by the mouth, and discuses those problems. The book also discusses the theory of organotherapy and shows the logical relation of it.

The particular pages to which I wish to refer in this book are pages 24, 25, 111, 128, 147, 148, 149, 150, 152, 153, 154, 155, 156, 157, 182, 185, 189, 190, 191, 192, 193, 194, 209, 211, 212, 213 and 214.

Some of these quotations refer to other ductless glands, the bodies referred to for the purpose of illustration and to elucidate the principle that underlies the theory of organotherapy.

(The portions of the book appearing on the pages above referred to read as follows:

"With the few facts at our disposal, and the many speculative theories based thereon, it is natural that many diseases should have been attributed to an abnormality of these glands.

To take one example, it has been suggested that paralysis
321 agitans may be due to disease of the parathyroid glands, but unfortunately, it does not appear to benefit by the exhibition of extracts of these glands. This is, of course, not tantamount to a refutation of this theory, as it may mean that the extract undergoes changes during its passage through the body which rob it of its natural properties, so that it is unable to replace the normal secretion which should be delivered into the bloodstream. The only instance which, so far as I am aware, has been published in which parathyroid extract appears to have been absolutely successful, and to have been, if one may use the expression, specific, is described by Hertz in the Practitioner, for January, 1915, in an article on the parathyroids. Briefly, this case was a man of middle age, who had suffered from an enlargement of the thyroid gland, and had undergone an operation in which the greater part of it was removed. He remained well for two years, and then suddenly became very restless, tremulous, and developed fibrillary tremors and other signs which closely resembled Graves'

disease. His hair ceased to grow, he became impotent, his bowels were loose, and his weight decreased very rapidly,

"No treatment was of much avail and the administration of dry thyroid gland aggravated the symptoms. He was given dry ox parathyroid by the mouth, and from that day he began to improve, became stronger, increased very markedly in weight and returned to work. Not until he had been taking the parathyroid gland for six months did his sexual powers
return. Hertz thus concludes the account of this very in-
322 teresting case; 'His weight in February, 1914, had risen
to 189 pounds; he felt perfectly well and strong and no tract of nervousness remained, although he was working very hard.'

"Here apparently was a case in which the secretion of the parathyroids was deficient, and where its administration by the mouth was able to replace the normal secretion."

* * * * * *

"The requisite dose varies enormously, and so wide is the range that it appears probable that some at least of the failures are due to the dose being unsuitable. In speaking of the dosage required in some of these cases, Cushing emphasizes the vast range of dose which is effectual in different cases. Thus, one boy exhibiting the signs of hypopituitarism in a marked manner underwent a 'complete mental, moral and physical awakening' by taking 18 grains of whole gland preparation daily. But another case quoted by the same author required as much as 300 grains daily (a prohibitive dose, as Cushing remarks) to give the same subjective benefits which other patients experienced with far smaller doses."

* * * * * *

"The extract of this gland maybe given either as a liquid preparation or as a solid extract. Adrenalin or adrenalin chloride may be administered by the mouth, hypodermically or intravenously (the latter in emergencies.) The first of these methods is the routine for the majority of cases—i. e., where the treatment is required in small doses, probably over
a lengthy period. Again where it is to be utilized, not
323 because there is definite evidence that the adrenal substance is deficient, but either as a counteraction to other hormones which may be presumed to be in excess or simply for its therapeutic action, this preparation may be relied on. Orally it may be given in doses ranging from 2 to 3 minims

up to ½ drachm. The dose hypodermically should be about half—that is to say, up to 15 minims."

* * * * * *

"It will only be possible to review briefly the main features of the sexual organs and their hormones. For the subject is so vast and the difference of opinion which exists about many of these organs and their secretions is so great, that it would necessitate a lengthy study, which is not possible with the space at our disposal."

* * * * * *

"Internal Secretion of the Testis.—Recent experiments have shown that the internal secretion of the testis has a vast influence in animals belonging to the species which has a periodical rutting season, for changes in various parts of the body as well as in the reproductive organs have been noticed at such times. If there is an internal secretion provided by the testis and the ovary, where is this formed? It is not believed that the 'interstitial cells of Leydig' in the testicles and the corresponding cells in the ovarian stroma, are the sites where this secretion is manufactured.

"The changes which appear at puberty owe their origin to an internal secretion which 'sensitizes' the nervous reflexes concerned with the performance of the sexual act. That the various nervous reflexes are developed to a high degree of 324 sensitiveness has been shown by experiments on frogs during the spawning season, which proved conclusively that these animals develop additional nervous mechanism during the period of sexual activity.

"Again it has been abundantly established that a large number of internal secretions are concerned in the development of the sexual glands; for sexual precocity can be associated with tumours of the adrenals and with disturbances in the hormonic balance; while the influences upon sexual development which are exerted by the hypophysis have already been discussed in a previous chapter. It would seem, however, that the adrenal gland is especially concerned with the regulation of the sexual secretions, for, in some post-mortem examinations of cases of sexual precocity, out of seventeen such cases and four surgical cases, suprarenal tumours were found in eleven, nine being girls and two boys. There are many more such cases which have been published which certainly justify us in assuming that the relation between the genital

glands and the chromaffin system is a close one, and morphologically this is to be expected."

* * * * * *

"The removal of the ovaries in young animals produces certain features of arrested development, among these being a rudimentary condition of the Fallopian tubes and uterus. It has been shown, however, that the transplantation of ovarian tissue under the skin remedies all these defects and the animal develops normally. This shows definitely that the controlling influence is chemical (hormonic), and no reflex. Again, the effects of castration upon young male animals, and
325 upon youths, as is practiced in the East, shows that there is a definite controlling agent in the secretion of the genital glands which directly or indirectly, governs growth. Thus, changes take place in the bones, particularly in the skull and the pelvis, which produce an increase of growth, with retarded ossification of the epiphyses."

* * * * * *

"Again, castration affects the hormonic balance, as is shown by the changes which are produced in the thyroid, thymus, pituitary, etc., by removal of the testes; and Fichera showed in 1906, that the enlargement of the pituitary which followed castration in animals could be reduced by the injection of extract of the testicle. Again, it has been shown that the thyroid under such conditions is atrophied, the thymus persistent, and the hypophysis enlarged. Only a few experiments have been performed on this aspect of the relationship of the genital glands with other of the internal secretion organs; but in one instance of a eunuch dissected by Tandler and Gross these changes in the thyroid, thymus and pituitary, were noted.

"Again, the general metabolism is profoundly affected by changes in the reproductive organs; and the obesity, and in some cases mental sluggishness or other psychic changes which occur in senility, are too well known to require more than mention. Lowy and Richter investigated the metabolism in castrated animals, and showed that there was a reduction in proportion to body-weight, as well as a reduction in the total metabolism of the body."

* * * * * *

326 "The pioneer work which Brown-Sequard undertook in administering to himself extracts of testicles, and the report which he made as to the results, may be said to have

founded the theory and practice of organotherapy, however, empirical this treatment was and, to a certain extent, still is. His results are very well known, and need not be stated here at any length; suffice it to say that he found his strength much increased by this administration, he was less liable to fatigue, his excretory apparatus was improved, and the effects were in general satisfactory. Testicular extract is said to contain nucleiprotein and toxic bases, and it has been stated by some observors that the results of administering such an extract to animals are widespread and important; also it has recently been said to play a part in the genito-vesicular reflex."

* * * * * *

"As we have already said, the cells of Leydig are supposed to be the seat of the formation of the internal secretion of the testis; and an interesting fact in connection with this is that puberty produces an enormous development of these cells, while old age sees a marked degree of atrophy of the same cells. It is stated that, in those cases where cryptorchidism in man is associated with the development of secondary feminine characteristics, there is complete sclerosis of the testicle, and that the cells of Leydig are reduced to a few scanty groups (Biedl).

"Without going further into the physiology of the testicle it is sufficient to say that there can be very little doubt that these organs play a vital part in the production of secre-
327 tions which, although we are ignorant of their full importance, are necessarily for the development of a normal man; not only in so far as sexual characteristics are concerned, but even with regard to the adequate working of his nervous system."

* * * * * *

"We must now turn our attention to the therapeutic possibilities of extracts of the genital glands, and we shall endeavor to give a resume of the possibilities of such therapy.

"A very wide range of treatment is open for the administration of preparations made from the gonads, and it is now established that, in conjunction with other organo-therapeutic preparations, should these be indicated, a great deal of benefit may accrue to patients suffering from a variety of diseases which it would be difficult to ameliorate by other means.

"Let us commence our study by considering the help which may be given to that very widely encountered disease, neurasthenia. It has been conclusively proved that the exhibition of some preparation of the testes (such as Spermin) has

the power of raising the amount of muscular work available, of increasing the strength of the individual, and of banishing ready fatigue. In other words, the conclusions arrived at by Brown-Sequard have been substantiated, and it is now believed that the administration of testicular preparations is followed by improvements in these cases. Some manufacturers combine this substance with other secretions in the form which Leonard Williams aptly calls a 'mitrailleuse.'

328 "Unfortunately, there appears to exist some degree of opposition to this remedy, and in consequence it has never been widely used. There is, however, a good deal to be said for its powers, and Harrower summarizes its utility in the following words:

" 'A course of treatment with testicular extract frequently accomplishes such a number of changes of such remote organs, and influences such widely disconnected ones, that to report actual results might even be sufficient to discount the position of this method. The extent of these results is undoubtedly due to the stimulation action of the testicular hormone upon the endocrinous system as a whole, and as a means of revitalizing an individual with deficient oxidation, poor nutrition, nervous inactivity, and general weakness, the system is of undoubted value. There are few single remedies which can compare with active and properly prepared testicular extracts.''

* * * * * *

"So far we have dealt more with the physiological and pathological aspects of the ductless glands and their secretions than we have with the therapeutic application, while some of the chapters have concerned themselves exclusively with diseases associated with one or other of the ductless glands. In this chapter we propose, so far as space will admit, to deal with the uses to which preparations of these glands can be put in practice; and we shall hope to outline the more commonly used extracts, and attempt to give some indications of their utility."

329 "On the other hand, the preparation of such organs as the liver, spleen, pancreas, testicle, ovary, etc., are in no way poisonous and large doses can be given with comparative safety. In many instances, however, the administration of these latter extracts partakes of empirical therapy, for, frequently, the decision to endeavour to remedy certain symptoms rests more on a supposed deficiency than upon

definite signs of inadequacy of a particular gland. Thus, in cases where intestinal stasis appears to be present it may be assumed that this depends upon a deficiency of one of the alimentary secretions, to remedy which we prescribe a preparation of the gland in question. This, although empirical, has much to recommend it and is surely preferable to constant dosing with purgative accompanied, as such treatment always is, by unpleasant sequelae.

"Another aspect of organo-therapeutic dosage has been defined by Hallion, and concerns itself with the stimulant action of an extract, administered to man or animal, on the organ secreting that extract. 'Extracts of organs exert on the same organ an exciting influence, which lasts for a longer or shorter time. When the organ is insufficient, it is conceivable that this influence augments its action, and, when it is injured, that it favours its restoration.' It is here assumed that, so long as a part of a gland remains unaffected, it is possible to regenerate it from the secreting point of view, so that administration of its extract will have more than a temporary influence."

* * * * * *

"For these patients a small dose of thyroid, increased
330 gradually as is required, is indicated. The initial dose should be a fraction of a grain, according to the age of the patient. Thus, one-sixth to one-quarter of the dry extract or a minimum or two of the liquor thyroidei is enough to commence with, and a careful watch is essential to ascertain the reaction of the system to the extract."

* * * * * *

"The total extract of thyroid may be given, or the dry extract chose, if preferred; one part of the dry extract is approximately equivalent to five parts of the other extract. The dose of extracts should be minimal to commence with, and opinions vary as to the margin of safety. So far as the experience of the present writer is concerned, one-half to one grain of the total extract three times a day is a good dose to commence with, and can be increased with due observance of the alteration in weight, pulse-rate and blood pressure. Again, if a liquid preparation be preferred, lyquor thyroidei, in doses of from a few minims to about seven or eight, is a satisfactory method of administering this extract, provided that the preparation is fresh. Elixir Colloid (Squire) presents this gland in a palatable form, and it can

be combined with a pituitary extract if desired. The same firm manufactures a liquid preparation of the pituitary gland, under the name of Elixir Hypophysis Cerebri, with a dose which may range from a few minims to two drachms. These preparations are a convenient way to administer the thyroid and pituitary glands to the same patient at the same time, and the relative doses may be regulated with ease."

331 "The hypophysis may be given in tablets, and several firms manufacture this extract either by itself or in conjunction with other extracts. There can be little doubt that many patients whose symptom-complex resists almost all kinds of treatment will receive very marked benefits if treated by these means."

* * * * * *

"Extracts of the gonads, which are sometimes manufactured in combination with extracts of the central nervous system, will be found to have a wide applicability. Thus, in neurasthenic cases, in patients who are run down, and in delayed convalescence, they are frequently of the greatest use. As Brown-Sequard was the first to show with reference to testicular extract, they increase the capacity for muscular work, revive the tired nervous system, and have a general 'tonic' influence upon the functions. The present writer has utilized them for several different types of disease (or perhaps the word "dosorder' is more suitable), such cases ranging from marasmic wasting to impotence. It is a little difficult to give definite indications for their use, and perhaps it will be better to cite one or two cases in which their use at the hands of the present writer has been attended with success. One was a man aged thirty, with rapid wasting and low blood-pressure, who had been in a very depressed mental condition for over two years. His treatment consisted inter alia in rest in bed for six weeks, with hyperalimentation and this form of organo-therapeutic treatment. At the end of a month his weight had increased by over one stone, and

332 his improvement in every way was most striking. By the end of six weeks there was a continuance of this improvement, and when he left the nursing home his weight had increased by a total of two and a half stone, his mentality was, for all intents and purposes, normal, and his physical health quite restored.

"Another instance of the same treatment was in a man of middle age, prematurely old, with impotence, neurasthenia,

hypopiesis, and depression. One month's treatment by these methods restored him to normal, raised his blood-pressure, and restored his nervous functioning. In this case, moreover, there was a flabby condition of the genitals, a loss of sexual power, and testicular sensation was decreased.

"A preparation called 'spermin' isolated by Von Poehl, and believed to benefit a number of conditions most of which emanate from auto-intoxication, has been tried with some success. It has also been suggested that extracts of the gonads are useful in raising the resistance of the body to infection; there can be little doubt that they are valuable in 'revivifying' the overworked organism."

* * * * * *

"Testicles.—Orchitic extract is given in doses ranging from 2 to 4 grains according to the individual preparation. There are also many liquid preparations on the market, likewise products combining this extract with that of the central nervous system."

* * * * * *

"Pluriglandular Preparations.—These, of course, present many different combinations. Perhaps the most
333 useful combination is that of the extracts of nervous tissue—the brain and spinal cord—with extracts of the gonads."

* * * * * *

"Every medical man encounters from time to time cases which are not relieved or even benefitted by the ordinary methods of treatment. In many of these patients relief would be afforded, if not actual cure, by organo-therapy. It is hoped that this small work will succeed in intereting those who have not hitherto adopted this method of treating disease, in order that a large number of so-called incurable diseases, and a larger proportion of functional disorders, may be remedied by these means."

* * * * * *

"Having dealt with the pathology and treatment of the organs of internal secretion, and having briefly outlined the organic extracts which may be utilized in the treatment of disease, it may not be out of place at this point to discuss the present place of hormone-therapy in medicine.

"Not many years ago an eminent physician, in speaking of the use of medicines, said that in prescribing a drug a medical man was putting a substance of whose properties he

knew little into a body about which he knew less. This may be only too true with reference to the administration of inorganic chemicals, or, rather with reference to certain inorganic chemicals; but now that organo-therapy has become and established method of treatment, it can scarcely be applied indiscriminately to all forms of prescribing. For it cannot be denied that much drug-therapy is empirical, and is resorted to in the hope of counteracting morbid
334 conditions of the body and that much of such treatment would be quite useless were it not accompanied by the hope and faith of the patient.

"In prescribing organic extracts, however, we are endeavouring to counteract morbid states by administering the substance the deficiency of which we believe to have caused the condition. We gather together the salient features of an individual case, and compare the syndrome with that which is known to be present in derangements definitely due to disturbances of the hormone balance. If this points decidedly to a deficiency of one hormone the path is clear, and the result will be steady improvement to cure. But if a multiple disturbance is present, and it must be remembered that this is very often the case, the course of the treatment will not be so smooth, neither can the first combination be expected to prove successful.

"Nevertheless, even with this class of case, the adoption of organo-therapy is less speculative than is the prescription of many inorganic remedies which, in ameliorating one symptom, are prone to initiate another. With obvious hypothyroidism or hypopituitarism, the only remedy which will give a speedy and satisfactory cure is the administration of the organic extract whose deficiency has produced the symptoms. But, apart from such straight forward cases as these, there are a host of physical and mental deviations from normal health which may be rectified by this method of treatment.

"We have already outlined these, but we desire to emphasize in this chapter that the use of organic preparations
335 is now an established method of treating disease, and one which will undoubtedly form a large part of treatment in the future."

Mr. Mathias: I also offer in evidence as "Respondent's Exhibit No. 13," the book entitled "The Internal Secretions in Practical Medicine", by Henry R. Harrower, M. D., 1917. The particular pages to which I refer and offer especially

are pages 1, 2, 3 and 4; and also pages 114 to 122, inclusive, (The portions of the book contained on the pages above referred to read as follows:

"As our knowledge of physiology becomes more intimate and our application of some of the ideas set forth by the experimentalists are put into practice, we find the scope of medical practice broadening in a remarkable manner. Revolution follows revolution until the standardized procedures of today differ as radically from those of, say, 25 years ago as do the present conceptions of the physiologic relations of the various parts of the body compared with those held at the time.

"Undoubterly the most radical as well as important advance in medicine is our better knowledge of the endocrine system—that interlocking, though widely separated, collection of glands of internal secretion which we now know is in supreme control of growth, both physical and mental; metabolism; the sympathetic nervous system, with its regulation of vascular tone and blood pressure; as well as the indefinite and complex factors gathered together into the once well-known term 'constitution'. The hormones produced by these wonderful glands are secreted into the blood and serve to correlate function and harmonize many of the widely
336 differing functions of the body. Their chemical messages are of such a nature that to ignore them and their subtle influence is to miss a very large and important part of the information which may be at the disposal of any observant physicians.

"Just as the discovery of the hormones and the unravelling of the intricate skein of their relationships has revolutionized physiology, so the knowledge we have been able to deduce from these facts is revolutionizing therapeutics, for it is now generally recognized that organtotherapy is making possible the successful treatment of many chronic and complicated disorders.

"The study of these endocrine glands will well repay the interested reader of the hundred and one articles and abstracts now appearing in current medical literature; and as he applies the onvious treatment in a given case, he will be both surprised and pleased at the results which so often follow the application of this altogether scienific and reasonable branch of therapy.

"It is not necessary within the limits of this brief introduction to do more than direct attention to the great possibil-

ities of this phase of medicine, and to outline the essential facts upon which the science of practical hormone therapy has been built.

"By far the greatest principle is that of 'homostimulation', which is included in what has come to be known as Hallion's law, which is as follows: 'Extracts of an organ exert on the same organ an exciting influence which lasts for a longer or shorter time. When the organ is insufficient 337 it is conceivable that this influence augments its action and, when it is injured, that if favors its restoration.' This has been demonstrated experimentally and clinically so many times, that it is almost axiomatic, though it is not infallible, and may still be criticized occasionally by some. Granting what Hallion has said, functional insufficiencies of many of these organs may be expected to be favorably influenced by giving suitable doses of the corresponding gland secured from animals.

"Closely allied to this is another slightly different phase of organotherapy. Frequently it is not sufficient to attempt to stimulate a lagging gland. One must replace, in part at least, the missing substance that it should have been furnishing to the body. This is what is known as 'substitutive organotherapy.' In conditions like cretinism or infantilism where the thyroid or gonads are absent, one can measurably restore the activity that is reduced or absent because of the lack of the hormone stimuli from the glands in question. In severe functional conditions we expect to benefit from organotherapy in at least two ways—by substituting for the missing hormones and, also, by causing what is known as homostimulation, the principle so well described in Hallion's law just quoted.

"Again, the chemical substances produced in the normal physiologic action of certain of the ductless glands have a definite pharmacological action and its application in medicine is the so-called 'specific organotherapy,' for the influence of the drug—these extracts must be considered purely as 338 drugs—favors some desirable action as, for instance, the stimulation of the uterus with the posterior pituitary principle during a delayed labor. In such a case there is no evidence whatever to prove that this hormone principle is absent or even that the pituitary is not working normally. We simply make use of the specific action of this substance.

"Finally in our clinical and laboratory experimental work

we have found that the administration of certain 'extracts' (as they are usually but, in some instances, erroneously, called) cause certain physiologic reactions and we make use of these facts by applying what is, strictly speaking 'empirical organotherapy.' "

* * * * * *

"Sex Disabilities Considered as Endocrine Dyscrasias.

"Each part of the endocrine system depends upon and influences each other part. Each of them is indispensable to the organism, though experimentally it has been shown that life is not necessarily terminated by the removal of one or more of these essential organs, though we know that the adrenal glands and the parathyroids are quite necessary to life.

"Not least in importance among these 'glands of Life', are the gonads, and while their physiological importance to the economy as a whole is admitted, it sometimes seems that it is not appreciated, at least in therapeutics. There is no longer a question as to the internal secretory capacity of both ovaries and testes, nor can there be any doubt of the importance of their chemical messengers. Nevertheless
339 it is a common thing to discover sex disabilities that have not been considered as endocrine dyscrasias, and more than often in consequence have been treated without success. The 'bad name' given to the particular form of therapeutics inaugurated immediately following Brown-Sequard's epoch-making announcement before the Paris Biological Society in June, 1889, was not deserved and, like the baneful effects of gossip, persisted long after its inherent value had been firmly established.

"To the writer at least the method of treatment inaugurated by Brown-Sequard is rational because it is resultful. The personal experiences of this distinguished savant must be considered as well founded for the treatment was administered to himself in a scientific laboratory where the study of physiology was uppermost and under circumstances most favorable to calm and judicious consideration of the findings. And the experience of Brown-Sequard has been duplicated time and again for over thirty years.

"Sex disabilities must needs be considered as resulting from internal secretory disorder because the sex manifestations, are so absolutely under the regulation of the endocrine system. Not merely do the gonads bring about their subtle influences upon feature, form and function; but they them-

selves are played upon by the other ductless glands, and I do not think that there is a single endocrine disturbance affecting any of the glands of internal secretion that does not have it its syndrome some direct or indirect effect upon the gonads and their work.

"The thyroid, best known of the glands of internal
340 secretion, certainly exerts its influence upon the development and functional value of the ovaries or the testes, for the cretin is never sexually developed and the sufferer from myxedema acquires with the myxedematous characteristics typical changes in the sex manifestations which undoubtedly are due to the modified thyroid chemistry. The lack of the thyroid hormone predicates gonad insufficiency. The opposite happens to be equally true, for hyperthyroidism is not uncommonly associated with hyperovarism, menstrual difficulties and occasionally, eresthism. Pelvic congestion is not an uncommon accompaniment of hyperthyroidism as every gnyecologist well knows.

"The pituitary gland is none the less intimately connected with the sex glands, and the best known forms of pituitary disease have as prominent clinical features, functional or even structural changes in the gonads. Hypopituitarism is sometimes called 'dystrophia adiposo-genitalis' because the dystrophy makes itself so manifest in the genital form and function. Insufficiency of the pituitary gland spells genital insufficiency, while possibly pituitary excess may cause a temporary increased genital function, though this is not so common as in the opposite condition; and, too, it must be remembered that hyperpituitarism very commonly metamorphoses into hypopituitarism and this may account for the asexual manifestations occasionally seen in individuals with well defined changes due to an obvious pituitary excess.

"The adrenal glands are also connected with the gonads, though there is not so much clinical data on this phase
341 of endocrinology as in the study of the thyroid or pituitary glands. Nevertheless the profession is now fairly unanimous that certain sexual complications have an adrenal origin, for instance the peculiar organic and functional changes called 'virilism' in which the female characteristics are sypplanted by obvious masculine characteristics have been shown by Apert, Ballet, Tuffier and others to be the result of organic adrenal disorder. On the other hand Addison's disease is practically always accompanied by im-

potence. The functional form of adrenal insufficiency discussed in Chapter VII may be expected to be accompanied by some sort of sex depression, for the asthenia of hypoadrenia cannot well effect so many functions—circulation, muscular power, mental activity, etc.—without some influence upon the gonads. I have had several experiences which support this view and have had a number of illustrative cases brought to my attention. The case of ovarian poisoning referred to on page 86 is one. The case of shock following the 'near accident' mentioned on page 74 is another. I heard of a physician who had been impotent for a year or more following an accident, whose hormone balance had been severely disorganized and whose blood pressure and other clinical evidences indicated a state of chronic hypoadrenia. Tonis hormone therapy restored this balance in a short time. In the chapter on shell shock I might have added that this condition is practically always associated with evidence of disturbance in the sex manifestations.

"There is much evidence in favor of the suggestion that sex disabilities may be associated with or due to dysrin-
342 ism and that the adrenal system, so-called, is intimately functionally related with the sex glands.

"The relation of the thymus to the sex glands is now fairly well understood, and it has been shown that persistent thymus is likely to be the cause of genital insufficiency, for the thymus itself produces a chemical antagonist to the gonads and as soon as it normally atrophies just before puberty, the sex glands are thus permitted to assert their chemical or hormonic functions.

"Several of the clinical reports in comparatively recent literature indicates that parthyroid disease also exerts its influence upon the sex glands. While Parkinson's syndrone or paralysis agitans is not admitted by all to be distinct parathyroid disorder, there is a good deal of evidence in favor of this position, and I have encountered not merely good results following the parathyroid method of treatment of this disease, but have been the sex disability which is a part of the syndrome materially modified for the better following a longer or shorter course of parathyroid treatment.

"At present the pineal is not supposed to be a gland of internal secretion although from my own standpoint it is difficult to explain many of the findings connected with epiphyseal tumors on any other basis that that of internal

secretion. At all events hyperpinealism has been shown to be accompanied by a very remarkable early ripening of the sex glands, and precocity both mentally and sexually. Whether this is of endocrine origin or not, it is a matter of considerable clinical interest.

343 "Without these briefly outlined facts in mind, we cannot but conclude that the disabilities of sex always deserve consideration from an internal secretory standpoint, Dysgenitalism is dyscrinism, and clinically as well as therapeutically this position can be established beyond peradventure. Many a case of sexual neurasthenia will be found to be accompanied by a sexual neurosis which is really the bottom of the whole matter. Indeed, I am convinced that much of the success following plurigandular therapy as outlined elsewhere, is largely due to a re-establishing of an unappreciated dysgenitalism. Many forms of organotherapy are known to affect genital function. Thyroid extract has been used time and again to control menstrual disorders. Its use has been equally efficacious in re-establishing a more nearly normal sexual development and activity in individuals suffering from both major and minor thyroid insufficiencies. The orthodox treatment of the Froelich syndrome (dystrophia adiposogenitalis) is pituitary feeding, and one of the therapeutic results is a favorable modification of sexual development and function. In fact pituitary feeding is beginning to be used with moderately good results in sexual insufficiencies not necessarily counted with well marked pituitary disease, and quite recently Stelwagen (N. Y. Med. Jour. 1917, ciii, 897) reports the successful treatment of a number of cases of functional impotence with 15 or more grains of anterior pituitary gland administered daily for a period. It is granted that this is a repliminary report, but at least it is a suggestive experience as we consider the particular subject under discussion.

344 "Quite the most important phase of organotherapy in dysgenitalism is the use of extracts of organs corresponding to those affected—the ovaries or testes, as the case may be.

"Corpus luteum has established itself as a standard remedy in many functional genital disturbances in gynecological practice, and its value is referred to elsewhere in this book; but somehow or other the corresponding treatment in the male still remains 'under a cloud'. The physician who would

champion luteal preparations without a question, says little about the use of testicular preparations; and there is a very obvious question about this in the minds of the majority of the profession.

"Despite this I have utmost confidence in this phase of organotherapy. I believe that Brown-Sequard's findings were based upon good physiology and were not overstated, and while we will grant that there undoubtedly were many overstatements in the nineties, especially by the aggressive quacks who seized upon Brown-Sequard's reports to fleece their gullible patients, this does not change the fundamental basis of reason for testicular organotherapy. "If functional impotence in the male as well as in the female is considered in the light of an endocrine dyscrasias, there is more hope of a successful outcome than from all the electrical, mechanical and psychotherapeutical procedures combined. The principle of homostimulation oft referred to in my writings applies just as much to the gonads as to the thyroid, pituitary or any other gland of internal secretion, and the clinical results following the use of Didymin, Sequarine, Hormotone, or the Roberts-Hawley Lymph, or any other 345 preparation calculated to stimulate the sex glands to a greater functional activity, are based upon good physiology and sound reasoning, many statements to the contrary, notwithstanding. This is not the place for case reports. I have mentioned one or two previously and could extend the list materially.

"Let us consider for a moment the philosophy of the last of these proprietaries. Unnumbered cases of so-called 'incompetence' have been treated with this lymph. I have personally used it in my practice and am certain that this homostimulation action is the physiological explanation of the good results that one can expect to secure following its judicious use in cases of this character. I am equally convinced that the empirical administration of the preparation Hormotone, or Tabloid Mixed Glands, in dysgenitalism is active through the augmented internal secretory activity of the gonads, which thus may be brought about.

"The beneficial effects from this kind of treatment seem to originate from the augmented gonad activity for this alone is sufficient to increase metabolism, to create force (the testicular hormone has been called 'a dynamogenic hormone') and to start up a greater degree of functional activity in the

other interrelated endocrine organs. This accounts for the unusual effects that have been reported following the use of the R-H Lymph in very chronic and much treated cases; as well as the more direct effects on impotence and hypogonadism.

"I realize that statements such as the foregoing are
346 open to criticism and that they will be criticized just as similar ones have been criticized for thirty years, but the opinions of critics count for naught as compared with the opinions of satisfied patients; and nothing can shake my belief that one is more likely to accomplish the desired therapeutic ends in the treatment of sexual disabilities if they are considered as endocrine dyscrasias and treated as such."

Mr. Mathias: That is all I have to offer.

(Thereupon at 4 O'clock p. m., the hearings were announced as closed.)

EXHIBIT L.

* * * * * *

413 EXHIBIT M.

(Endorsed) Filed Aug. 20—1919, John H. R. Jamar, Clerk.

From Bulletin Journal of Animal Therapy—Nov. 1915 Joseph R Hawley Md Editor.

Condensed Recent Reports.

The case reports in these Bulletins differ radically from other similar clinical data. They are always freely volunteered. The reporting physicians never have been and never will be compensated either directly or indirectly. Each report is a digest of various reports submitted during treatment and at its conclusion, and, usually, many months later to trace permanency of results. So far as possible, errors of diagnosis and hasty conclusions are avoided. All reporting physicians will vouch for the accuracy of the above facts. That the following epitomes are under rather than over-drawn may be established at any time because the original reports and correspondence are all on file and available to inquiring physicians.

* * * * * *

Locomotor Ataxia—Dr. G. B. Ward, Gilman, Ia., reports case of locomotor ataxia of several years' standing in a female, age not given. Diagnosis was first made in Rochester, by the Mayos. It was a typical case, A-R pupils, lost reflexes,

anesthesia, marked ataxia, and the usual sensory symptoms. Treated with the Emulsion of Lymph Compound in full doses for five months in the early part of 1913. The patient made a very decided improvement. The pupils now react to light, reflexes unchanged, the sensory symptom are greatly relieved, she has gained strength and has much better coordination, Romberg symptom distinctly lessened. No relapse, two years since treatment.

* * * * * *

Locomotor Ataxia—Dr. W. H. Bellinger, Peoria, Ill, reports case of typical tabes, without incoordination, in a middle aged male. Specific history eight years previous, thoroughly treated for three years. Two and one-half years ago showed symptoms of early tabes, the severe symptoms being lightening pains and gastric crises. A-R pupil, lost tendon reflexes. Specific treatment used subcutaneously, produced a negative Wassermann but no decline in tabetic symptoms, except that the pupils responded to light. Twelve ounces of Special Lymph Compound injected in this case, with the result of a complete disappearance of lightening pains and gastric crises. Eyes normal, No relapse, one year since treatment.

* * * * * *

Locomotor Ataxia—Dr. G. M. Steele, Oshkosh, Wis., reports that a case of advanced locomotor ataxia which was thoroughly treated several years ago with the R-H Special Lymph Compound, made a very marked improvement in the chief symptoms of his disease and that the results have proven permanent, now four years since the conclusion of treatment. Patient is in good physical condition, walks considerably, does some physical work, and his cane is now carried only for emergencies.

* * * * * *

414 Locomotor Ataxia—Two Cases—Other Results—Dr. A. C. Durkee, Pontiac, Ill., reports that the two cases of locomotor ataxia previously reported as having been almost completely compensated by the Special Lymph Compound, have shown no relapse, one having finished treatment nearly three years ago, and the other one year ago.

The same doctor reports unusually complete results in a case of chronic joint rheumatism and one of arthritis deformans. He states that there has been no relapse in the two cases of chronic interstitial nephritis previously reported as prac-

tically free from symptoms. Another case of chronic nephritis had a relapse one year after treatment.

* * * * * *

Primary Spastic Paraplegia—Last month I examined a case of primary spastic paraplegia, patient having been treated by a physician in Douglas, Ariz. Seven ounces of the Special Lymph Compound had been injected in average doses. Male, aged 39, a dentist had been practically incapacitated from marked incoordination and spasticity. Upper extremities involved, delicate work with the hands impossible. Reflexes exaggerated, ankle clonus present. Disease was of several years' standing and the patient had become unable to perform his usual duties. Results: Spasticity absent, much better control of legs, practically no incoordination in the upper extremities, able to straighten legs fully, whereas before treatment this was impossible, distinct general improvement. Has been doing his normal amount of work since second month of treatment.

* * * * * *

Hemiplegia—Dr. W. Ackley, Juniata, Nebr., reports case of a female, age 62, complete right hemiplegia following cerebral hemorrhage. Paralysis of about seven months' standing. The patient not responding to usual treatment, the Emulsion of Lymph Compound was used for about two months. After the second week the patient showed gradual improvement and within a month was able to walk several blocks unattended and without cane or crutch. The arm paralysis is very greatly lessened. No relapse, now six months since treatment.

* * * * * *

Hemiplegia—Dr. E. J. Brewer, Shabbona, Ill., reports case of a male, age 54, hemiplegia practically complete in left arm and leg. Extreme mental dullness. Following the cerebral hemorrhage, which was four weeks before treatment, the paralysis gradually increased rather than decreased. Two ounces of Sepcial Lymph have been injected and the doctor reports: "My results have been far better than I expected. The Lymph has almost completely cured the motor paralysis of the left side of the body. Mentality now normal."

* * * * * *

Hemiplegia—Two Cases—Other Results.—Dr. T. M. Stewart, Canistota, S. D. reports case of a female, age 68. Following a cerebral hemorrhage the patient had complete mo-

tor paralysis of the left side with loss of memory and involvement of speech. Several months after the attack the patient was showing no improvement and the Special Lymph was used. During the second week of treatment the patient began to improve, and has rapidly and steadily responded since that time. A majority of the motor paralysis has disappeared, and continued response of the patient indicates that a complete result will occur. Terminal results later. Dr. Stewart reports that the case of long standing hemiplegia reported in our last Bulletin has had no relapse and the result is practically a complete one. He also reports excellent results in several cases of multiple sclerosis, chronic joint rheumatism and chronic nephritis.

* * * * * *

415 Hemiplegia—Dr. J. W. Wareham, Gilead, Ind., reports case of hemiplegia of three weeks' standing in a patient 61 years of age. One ounce of the Special Lymph Compound injected in average doses, and the doctor writes that the patient made a prompt and wholly satisfactory recovery, and there has been no relapse, now five months since treatment.

* * * * * *

Multiple Neuritis With Syphilis—Dr. A. L. Huston, Cincinnati, Ohio, reports case of male, age 37, specific history eight years prior to treatment. Usual symptoms of severe multiple neuritis, with extreme pains almost unbearable at night. Moderate muscle atrophy. Neosalvarsan repeatedly employed without results, cojdition apparently aggravated. Other specifics having failed, the Lymph was used as a last resort, together with the mixed treatment. Two ounces R-H Special Lymph Compound have been injected in full doses and the patient has made a radical improvement, is now able to sleep without pain, and the pain is practically absent during the day. His pain was always more severe at night. There has been a very decided general improvement and everything indicates a radical cure. Terminal results later.

* * * * * *

Multiple Neuritis—Dr. E. Dickson, Coal Creek, Tenn. reports: Male, age 75, usual symptoms of agonizing pain with burning sensation in the extremities and anesthesia of hands. Patient had been confined to bed for two months. Usual treatment had failed. The Lymph was used in the fifth month of the disease. On account of his distance from the doctor, the patient was treated only three times a week. The Special

Lymph has been injected during several weeks and he has made very marked improvement in every symptom, is practically free from pain, and the other sensory symptoms are greatly reduced. The patient will evidently make a complete response.

* * * * * *

Chronic Sciatica—Dr. John Huecker, Waukon, Iowa, reports case of Chronic sciatica which had failed to respond to very thorough and prolonged treatment along the usual lines. Male, age 52. One ounce of the Special Lymph was injected but not regularly owing to the fact that the patient lived seven miles in the country. There was gradual improvement and the patient was free from symptoms at the end of treatment. No relapse, seven months since treatment.

* * * * * *

Neurasthenia, Recurrent—Dr. W. H. DeLong, Emporia, Fla., reports case of male, age 36. Patient gave history of attacks of complete nervous break-down which had occurred four times prior to the last attack, each attack more severe and protracted than the previous one. The symptoms were extreme and the patient totally incapacitated for his work as a foreman of railroad construction. Emulsion of Lymph Compound used with gradual but complete response. amd the doctor reports that there has been no relapse, now eleven .nonths since treatment.

* * * * * *

Neurasthenia With Senility—Three Cases—Dr. Milton J. Bleim, San Antonio, Texas, reports three cases presenting no unusual symptoms except those of senility and symptoms usually classified as neurasthenia. The Emulsion of Lymph 416 Compound was used in these cases and the doctor states that the up-building effect was very gratifying and that the general disabilities incident to old age were distinctly lessened. General nutrition and nerve tone improved. In a report eight months later the doctor states that no relapse has occurred in any of the cases.

* * * * * *

Neurasthenia With Tinnitus Aurium—Dr. H. M. Webb, Humboldt, Kansas, reports case of a male, age 36. Gave history of protracted sleeplessness, loss of strength and appetite, headache and tinnitus aurium. Four ounces of Emulsion used with very gratifying results. This patient improved slowly. The tinnitus is decidedly less pronounced and the

patient is able to do more work than he had for some time prior to treatment. The neurasthenic symptoms are practically absent.

Neurasthenia Following Syphilis—Dr. W. C. Loomis Wichita, Kansas, reports case of a male, age 32, syphilis five years before treatment, neurasthenia four years' duration. Usual symptoms of neuro-muscular atony, with headaches and extreme nervousness. One and one-half ounces of Special Lymph Compound injected with satisfactory results.

* * * * * *

Neurasthenia With Dysmenorrhea—Dr. W. F. Berry, Rifle, Colo. reports, Female, age 19. Persistent insomnia; digestive distrubances; great mental depression, badly nourished; severe acne. Protracted dysmenorrhea during which attacks her symptoms were severely aggravated. Constant tachycardia. Disease of several years' standing. Usual treatment, including change of climate, without results. One ounce of the Special Lymph Compound injected in moderate doses, with rapid improvement after the second week. Recovery was complete. Menstruation normal. It is now several months since treatment, and the patient recently stated that she never felt better.

* * * * * *

Neurasthenia With Severe Headache—Dr. W. W. Clapp, Birmingham, Ala., reports case of a female, age 45, symptoms of severe neurasthenia of extreme obstinacy, with nearly constant headache and various other neuralgias. Used three ounces of Emulsion of Lymph Compound. Patient recovered completely, and there has been no relapse, now seven months since treatment.

* * * * * *

Neurasthenia, Complicated—Dr. B. E. Gamble, Mt. Holly Springs, Pa., reports: Female, age 45, weighed 212 pounds before the onset of neurathenia. There was extreme physical prostration. Patient eventually confined to bed, weight reduced to 160 lbs., nearly constant dyspnea, extreme indigestion, etc. Three month of absolute rest, selected tonics, diet, electricity massage, etc., failed to modify the case. Conditions were decidedly critical. One ounce of the Special Lymph Compound injected. Response appeared after the first week and was rapid until a complete cure occurred. Patient gradually regained most of her lost flesh, and now weighs 195 lbs.,

and states that she is in better health than she has been for years. Patient treated thirteen months ago and no relapse.

* * * * * *

417 Neurasthenia—Two Cases—Dr. J. S. Tillery, Springfield, Mo., reports permanently curative results in two cases of long standing and extremely obstinate neurasthenia, in which the R-H Lymph Compound was injected during several months. No, relapse, eight months since treatment.

* * * * * *

Neurasthenia—Dr. C. D. Lindley, Archer City, Texas, reports a case of sexual neurasthenia in which the chief symptom was incomplete incompetency with pain following functioning. The usual asthenic symptoms were present. Complete response. No relapse, now several months since treatment.

* * * * * *

Neurasthenia—Dr. G. A. Steele, Lucerne, Mo., reports case of a female, age 59, disease of many years' standing totally unable to attend to her household duties, extreme neuro-muscular atony, insomnia, and usual neurotic symptoms. Had been under the care of a trained nurse and physician continuously for several years prior to treatment. The Special Lymph was injected in seven to eight-minim doses once a day. Patient was intolerant to full dose. After the first week of treatment the patient improved steadily, and recovered completely. Report one year later patient has had no relapse and is in the best of health.

* * * * * *

Neurasthenia—Dr. C. A. Medlar, Scranton, Kansas, reports an unusually obstinate type of neurasthenia of long standing in a middle-aged male. Severe insomnia and nerve instability. Patient unable to do any work. Four ounces of Sepcial Lymph injected with almost continuous, but slow improvements. The patient gained ten pounds in weight, was able to return to work, and all symptoms were greatly improved. The doctor writes very emphatically regarding the action of the Lymph Compound, in this obstinate case. No relapse seven months since treatment.

* * * * * *

Neurasthenia—Dr. W. W. Hawthorne, Gypsum, Kansas, reports a case of neurasthenia presenting no unusual features except that it failed to respond to usual treatment, and was of long standing. One ounce of Emulsion of Lymph Com-

pound used with completely curative results. Case treated over two years ago and no relapse to date.

* * * * * *

Neurasthenia—Dr. E. L. Cook, Harlan, Ia., reports a case of female, age 36, usual neurasthenic symptoms of nine months' duration. One ounce of the Emulsion of Lymph Compound was used with entirely satisfactory results.

* * * * * *

Morphine Habit—Dr. M. G. McBride, Ravenna, Ohio, reports case of morphine jabit in a male, in middle life, habit of two years' standing. Five grains of morphine injected daily. Patient appeared to be in good physical condition for a morphine addict. Two ounces of the Special Lymph Compound used in this case, and the doctor reports an unusually satisfactory response. No relapse, five months since treatment.

* * * * * *

418 Morphine Habit—Dr. T. P. Bond, Des Moines, Ia., reports case of a middle-aged female, morphine habit thirty years' standing. One ounce of the Lymph Compound used in this case with a complete cure and no relapse, now seven months since treatment.

* * * * * *

Morphine Habit—Dr. A. E. Cone, Portland, Ark., reports case of a male, age 63, habit of fifteen years' duration. Patient was taking twenty grains of morphine each day. In this case the Emulsion Of Lymph Compound was used as an after-treatment. The patient has made a complete recovery, gained twenty-five pounds in weight and is in excellent condition. There has been no relapse six months since treatment.

* * * * * *

Morphine Habit—Dr. C. E. Barrick, Campbell N. Y., reports case of a morphine addiction of several years' standing in a middle-aged male. Average daily dose about three grains hypodermically. Incompetency, insomnia, etc. One ounce of the hypodermic Lymph and one ounce of the Emulsion used in this case with wholly satisfactory results. Treatment concluded about seven months ago, and no relapse to date. The usual physical up-building effect occurred.

* * * * * *

Morphine Habit—Dr. J. N. Alexander, Cimarron, Kansas, reports: Female, age 35, habit of three years' standing. Pa-

tient injected three grains of morphine a day; was greatly reduced physically; weighed but ninety-nine pounds; habit followed puerperal fever. Two ounces Special Lymph Compound injected. Patient responded rapidly and there was very little trouble in withdrawing the drug, which was completed at the end of six weeks. There was the usual marked physical improvement after the cure, and the patient has been engaged in active work since that time. Gained twenty-two pounds. No relapse, one year since treatment.

* * * * * *

Morphine Habit—Dr. J. H. Plew, Freedim, Ind., reports that he has used the Lymph Compound in the treatment of a case of morphinisim, and that his results demonstrated that the Lymph Compound has all the virtue that is claimed for it in the treatment of this habit.

* * * * * *

Epilepsy—Dr. F. A. Swartout, Washington, D. C. reports a case of epilepsy in a child 13 years of age, disease of four years' standing. No response to usual treatment. Special Lymph injected in moderate doses during six months. Patient gradually improved and ultimately made a complete recovery. There has been no relapse in the eight years that have elapsed since the conclusion of treatment.

* * * * * *

Epilepsy—Dr. J. H. Branson, Washington, D. C. reports a case of epilepsy of several years' standing, in a middle-aged female, in which the Emulsion of Lymph Compound has been used at irregular intervals during several years. The frequency of attacks has been reduced very decidedly, and the character of the attacks has become extremely mild.

* * * * * *

419 Chronic Joint Rheumatism—Two Cases—Other Results.—Dr. T. J. Jackson, Marsden, Okla., reports two cases of chronic joint rheumatism, which had resisted usual treatment and in which the use of the Special Lymph Compound has resulted in a complete cure without relapse. He also reports two cases of mild epilepsy, one cured and the other improved. He has used the Lymph Compound in the treatment of several cases of Pellagra, and his results justify the conclusion that the Lymph is decidedly effective in early stages of this disease, and particularly in those cases where the nervous symptoms are most pronounced.

* * * * * *

Chronic Arthritis With Incompetency—Dr. Paul Lanz, Oakland, Calif., reports case of a male, age 65, plethoric. Two ounces of Special Lymph Compound injected with complete cure of the arthritis. Sexual function restored. Report three months later, no relapse.

* * * * * *

Chronic Joint Rheumatism With Obesity—Dr. J. S. Wright, Loretto, Ky., reports case of a male, age 30, very obese, chronic migratory joint rheumatism continuously since he was eight years old. Frequent acute outbreaks, unusually severe in character, with high fever, swelling, pain, etc., lasting two to three months to be followed by the chronic arthritis. Treatment was started when patient was in one of these attacks. Two ounces of the Special Lymph Compound injected. Patient improved rapidly and made a complete recovery. All joints normal. Twenty pounds of his obesity lost. Report nine months later: "Patient is in perfect health and extremely grateful."

* * * * * *

Arthritis Deformans—Dr. R. M. LaShelle, Media, Pa., reports case of female, age 62, disease of five years' standing. Usual deformity of hands, fingers flexed and fixed in palms, useless. Knees markedly enlarged and painful, partly ankylosed. Patient had been confined to her chair for two years: unable to move about. Special Lymph injected during two months. The patient responded decidedly and progressively. Small doses were injected averaging seven to ten minims twice daily. Patient can now straighten out her fingers. The swelling in the knees is decidedly diminished. She is able to walk about the house and to use her hands for part of her work. Such radical results from such a comparatively brief treatment are rare. One year later, no relapse.

* * * * * *

Arthritis Deformans—Dr. L. C. Smith, Madeline, Calif., reports: Female, age 72. Arthritis deformans of thirty years' duration; unusually extensive involvement; patient helpless; marked emaciation; characteristic deformities in small and large joints. Patient suffered almost constantly from cramps in the legs and pains in the knee-joints. Bedridden, unable to use her hands or legs. Case had been steadily progressive. Two ounces of the Special Lymph Compound have been injected. The dose averaged twelve minims twice daily. Patient is almost free from pain and cramps,

less swelling in hands, feet and knees. Can now move her fingers, which she had been unable to do for many months. In view of the age of the patient and the extreme severity and duration of the disease the results to date are extremely unusual. Terminal results later.

* * * * * *

420 Arthritis Deformans—Dr. M. Koch, Minneapolis, Minn., reports that she has been injecting the Lymph Compound for eight months in a case of advanced arthritis deformans. Other treatment had proven unavailing in this case. Under the Special Lymph Compound the patient has shown progressive improvement, although the response has at no time been rapid. Details of terminal results will be reported at the conclusion of treatment.

* * * * * *

Chronic Arthritis—Dr. S. M. Janes, Marquette, Mich., reports case of chronic arthritis without unusual symptoms in which three ounces of Special Lymph Compound have been injected. The doctor states that there was decided improvement in all of the symptoms.

* * * * * *

Chronic Muscular Rheumatism—Dr. J. H. Allen, Philadelphia, Pa., reports case of chronic muscular rheumatism, with high specific gravity of urine and constipation. No other unusual symptoms. Two ounces of Special Lymph Compound injected with a completely curative result, and there has been no relapse, six months since treatment.

* * * * * *

Chronic Muscular Rheumatism—Dr. R. H. DeCoux, Grand Rapids, Mich., reports: Female, age 42, chronic muscular rheumatism of five years' standing. This patient had been very thoroughly treated by competent physicians, including mineral springs, etc., entirely without results. One ounce of the Special Lymph Compound injected and the patient made a complete response. Seven months later patient reported that she was in excellent health, no sign of a relapse.

* * * * * *

Gonorrheal Rheumatism—Dr. A. H. Snoddy, Slater, Mo., reports case of a male, past 50 years, gonorrheal rheumatism of one years' standing, involving the ankle and joints of one foot. Patient was laid up three months when the acute symptoms subsided, but the chronic arthritis remained. With the arthritis there were symptoms of marked nerve exhaustion,

with usual symptoms. Three ounces of Emulsion of Lymph Compound used with a complete cure of the neurasthenia and an almost complete cure of the arthritis. The remaining joint symptoms are very trivial. No relapse, seven months since treatment.

* * * * * *

Organic Heart Disease Following Acute Art. Rheumatism—Dr. C. F. Puterbaugh, Arcanum, Ohio, reports: Female, age 19. Following a third attack of acute rheumatism, the patient developed endocarditis with a loud systolic murmur over apex transmitted to the left. Marked dilatation of heart, left dullness reaching axillary line. Usual symptoms of heart fatigue. Congestion of kidney, shown by casts, albumin in urine, diminished amount. Totally incapacitated. Three ounces of Special Lymph Compound injected, and the doctor states that the patient is practically free from subjective symptoms. The murmur is greatly reduced in intensity, the dilated heart is now a simple hypertrophy; compensation complete. Apex beat within one-half inch of its normal location. The remaining symptoms of rheumatism have disappeared. After walking a block and climbing a flight of stairs her pulse are only 90.

* * * * * *

421 Valvular Heart Disease—Dr. A. T. Hutto, Pelion, S. C., reports: Female, age 27, diastolic murmer, extreme cardiac dilatation, left side, and the usual symptoms of cardiac exhaustion due to the aortic insufficiency. The patient responded somewhat to heart tonics, particularly spartein, but remained incapacitated and the improvement was not decisive. One ounce of the Special Lymph Compound has been injected in moderate doses with the result of a normal arteriovenous balance, heart completely compensated. Patient recently traveled twenty-five miles in the country without fatigue, and reports that she is very greatly improved in every way, and stronger than she has been for years.

* * * * * *

Arterial Sclerosis with Chronic Alcoholism—Dr. H. A. Smith, Waterville, Wash., reports case of a male, age 70, history of protracted and severe alcoholism, extreme debility with the usual symptoms of arterial degeneration without atheroma. Four ounces of the R-H Lymph Compound injected in average doses with unusually decided results. The circulatory symptoms (subjective) have disappeared, the

patient's appearance is decidedly younger, flesh is firm and hard, and his agility is that of a much younger man. There has been no relapse, one year since treatment.

• • • • • •

Arterial Sclerosis, Complicated—Dr. C. N. Stephens, Libertyville, Ill. reports an unusually interesting case. Male, age 74. Arterial sclerosis first diagnosed by a prominent physician one year before treatment. There was extreme physical weakness, inability to work, marked tremor of hands, badly nourished, under weight, chronic muscular rheumatism. The patient complained of severe spasmodic pain in the left side of the face, extending to the side of tongue and throat. This pain was lessened by removing a peculiar thickening of the salivary secretion. Morphine required daily for pain. The Special Lymph was injected in small doses for three months. Alcrestin was used on three different occasions for five days at a time, which apparently had a prompt effect on the mouth symptoms. By the end of the third month the patient was free from subjective symptoms and the general physical findings showed a marked improvement. He is able to do his usual amount of work and complains of no symptoms. Has gained decidedly in weight, and is in normal strength. The tremor has nearly disappeared.

• • • • • •

Chronic Parenchymatous Nephritis—Dr. J. W. Crofford, Blythedale, Mo., reports case of a male, age 40. Disease of two years' standing. Urine contained 1.5 per cent albumin, hyaline, granular and fatty casts, amount reduced, high specific gravity. Extensive dropsy, legs swollen twice their normal size, genitals involved. Symptoms of marked chronic uremia; complete incompetency. Three ounces of Special Lymph Compound injected in moderate doses. During the second week the patient began to improve and his response was continuous from that time. Within four months the albumin and casts had disappeared from the urine, and the patient was free from dropsy and uremic symptoms. None of the above symptoms remained. The patient is a mail carrier and has resumed his work, stating that he is in as good health as at any time prior to treatment. No relapse, now seven months since treatment.

• • • • • •

422 Diabetes Mellitus—Dr. P. A. E. Sheppard, Boston, Mass., reports case of diabetes mellitus in a middle-aged male, presenting usual symptoms. Amount of sugar 3.52 per

cent. Special Lymph Compound injected in twelve-minim doses, twice daily. Duration of treatment not given. The result was a complete disappearance of sugar and this result has been permanent. One year since treatment.

• • • • • •

Diabetes Mellitus with Incompetency—Dr. G. W. Graves, Hitchita, Okla., reports case of a male, age 41. Usual symptoms (moderate), with incompetency for one year. Two ounces of Special Lymph Compound injected. The sugar was reduced about one-half, specific gravity to about normal, and the doctor reports that the patient is in excellent physical condition, now ten months since treatment. Free from symptoms except trace of sugar.

• • • • • •

Diabetes Mellitus—Dr. C. Pollock, Van Wert, Ohio, reports: Female, age 60. Disease first detected about four years ago when eye symptoms called attention to the urine. Twenty grains of sugar to the ounce, polyurea, thirst, etc. Three ounces of the R-H Lymph Compound injected, with gradual improvement in the urinary findings, and a marked betterment of the physical condition of the patient. The patient made a slow recovery, which was complete. The sugar disappeared entirely from the urine and there has been no relapse of any kind, now ten months since theatment.

• • • • • •

Diabetes Mellitus—Dr. W. D. Garvin, Bethlehem, Pa., reports: Male, age 59, usual urinary findings, 1 per cent sugar. Other symptoms usual in this disease. One ounce of the Special Lymph injected, and two ounces of the Emulsion used by mouth. The doctor reports that the patient gradually improved, that his sugar was reduced to a mere trace, and continued at .33 per cent even when he partook freely of sweets and starches. Under a nonrestricted diet the results have remained permanent, now eight months since treatment.

• • • • • •

Diabetes Mellitus—Dr. A. Grasso, New Britain, Conn. reports case of female of middle age, symptoms of average severity, of over two years' standing. Details of no unusual interest. Two ounces of the Special Lymph Compound injected, with rapid improvement, and an ultimately complete cure. Patient has been on an unrestricted diet for several months and a recent examination of urine revealed no sugar. The patient is apparently in normal condition.

• • • • • •

Diabetes Mellitus—Dr. H. P. P. Thompson, Lucketts, Va., reports the practically complete cure of a case of diabetes mellitus of several years' standing, after the use of two ounces of the hypodermic Lymph Compound. Treatment was concluded about one year ago and the doctor states that there has been no relapse and the patient has done markedly well. The Lymph was injected only once a day in twelve-minim doses.

* * * * * *

Diabetes Mellitus—Dr. C. W. Davis, Waco, Texas, reports case of diabetes mellitus of twenty years' standing, sugar 423 2 per cent. Patient was in a critical condition when the Lymph was used. Extreme weakness made it impossible for her to walk. Owing to the duration of the disease the Lymph was not used for curative purposes, but to increase her tolerance to the sugar loss. Special Lymph was injected during three months and the doctor reports that the patient has gained twelve pounds, can do a moderate amount of housework, eats heartily and is in very good general condition. Glycosurea still present. "No doubt the Lymph is responsible for her being alive today."

* * * * * *

Bronchial Asthma, Twenty Years Standing—Dr. S. S. DeLancey, Williamsport, Ind., reports an extremely interesting result in a case of bronchial asthma of over twenty years' standing. Female, age 62, During eight years prior to treatment the asthmatic condition had been practically constant. For six months before the treatment, the patient had been unable to lie down. Heart and kidneys negative. Asthma of an unusually severe type. Three ounces of Special Lymph Compound were injected about one year ago, with gradual improvement after the third week. Patient was free from asthma at the end of treatment, and there has been no relapse now one year since treatment. Patient was recently brought to me and examination revealed no abnormal findings.

* * * * * *

Bronchial Asthma, Two Cases—Dr. Paul Plummer, Southington, Conn., reports case of a female, age 38, bronchial asthma of thirteen years' standing. For three years patient had been confined to a wheel chair. She was practically helpless. As a result of protracted dyspnea and malnutrition, the heart was dilated. Special Lymph injected most of the time during six months, and the result has been practically com-

plete cure. The patient is able to go about normally, walks six miles without trouble. Rarely there is a slight evidence of difficult breathing. General condition of the patient vastly improved; she gained eighteen pounds, No relapse, one year since treatment. The doctor also reports excellent results in another case, much milder than the above.

* * * * * *

Bronchial Asthma—Dr. H. A. Bennett, Tarpon Springs, Fla., reports case, male, age 51, bronchial asthma of average severity, four years' duration. Three ounces of the Emulsion of Lymph Orchitic Compound used during two months with complete response and no relapse, now several months since treatment.

* * * * * *

Bronchial Asthma—Dr. T. W. Murphy, Pierpont, S. D., reports: Male, 57 years of age, severe bronchial asthma of one years' duration. Had not been able to lie down for six months previous to treatment; slept in a sitting posture propped up in bed. Four months in an ideal climate produced no results. One month in a high-grade surgical sanatorium without results. Had the frontal sinuses drained, also the antra, no results. One month after the last operation patient was not improved, and the Special Lymph Compound was started in full doses twice daily. Within ten days the patient was able to sleep lying down, and at the end of two months' treatment the patient was practically free from asthma, had gained nine pounds in weight. He is now able to attend to the management of a large farm. No relapse, now several months since treatment.

424 Pulmonary Tuberculosis—Dr. J. L. Eyman, Eldorado, Kansas, reports case of a female, age 16, apex of one lung involved. Ordinary treatment including fresh air, diet, tonics, etc., had been used with practically no results. The Special Lymph Compound was injected during two months, No synergists employed except that the fresh air treatment was continued. Patient gained promptly in weight and strength, and all symptoms gradually disappeared. This patient was treated over one year ago and there has been no relapse. In concluding his report the doctor states that his observations indicate that the Lymph Compound is without an equal as an aid to the open-air treatment of incipient tuberculosis.

* * * * * *

Pulmonary Tuberculosis—Dr. Robert Reagles, Arlington, Wis., reports case of a young man with advanced tuberculosis, both lungs extensively involved, cavity in one lung. Irregular and frequently high temperature, respirations thirty, extreme emaciation. The stomach was markedly dilated. Thorough treatment by leading physicians without results. The case was hopeless and the Lymph was used merely as a last resort for the sale of prolonging life. Four ounces of the Special Lymph injected. The patient improved rapidly and held his gain for six months. The temperature and night sweats disappeared; cough greatly lessened; he gained in weight; stomach symptoms disappeared. The case did not recover, but such a rare response is worthy of record.

* * * * * *

Pulmonary Tuberculosis—Dr. S. A. Slater, Oil City, Pa., reports case of a female, age 53, the usual findings in advanced tuberculosis. Two ounces of the Special Lymph were injected with decided improvements. Patient gained eight pounds in weight and when she left the sanitarium she was greatly improved in nutrition and general condition. This patient had not responded to usual sanitarium treatment prior to the use of the Lymph. The doctor states that he used the Lymph in two other cases, but the results were not as decided as in this case.

* * * * * *

Incompetency—Paraplegia—Dr. W. H. Walker, Wichita Falls, Texas, reports case of a male, age 25, complete incompetency complicated with neurasthenia, digestive disturbances, etc. Two ounces of the Special Lymph injected. Results did not appear until the latter part of treatment. Completely cured; has gained in weight; general health practically normal. Same doctor reports permanent results in a case of incomplete paraplegia treated four years ago, with nearly complete restoration of motor power, and no relapse since the conclusion of treatment.

* * * * * *

Incompetency—Dr. J. A. Larrabee, Barnard, Mo., reports case of a male, age 50, negative previous history, incompetency of three years' standing, complete for one year; usual treatment had failed. Three ounces of Special Lymph Compound were injected, and the doctor reports decidedly satisfactory results which appeared gradually.

* * * * * *

425 Incompetency, Complicated—Dr. M. Flenner, Hamilton, Ohio, reports case of a male, age 55. Marked neurasthenia with absence of sexual desire and ability. Chronic prostatitis with frequent urination. One ounce of Special Lymph injected in moderate doses. The patient was greatly improved, and was in nearly normal health when the report was made.

* * * * * *

Incompetency With Neurasthenia—Dr. W. T. Liggett, Goldfield, Nev., reports case of a male, age 62, History of moderate alcoholism for thirty years, but no alcohol taken for one year prior to treatment, during which time he was completely incompetent. Extreme depression, psychasthenia, etc. Patient had resisted very thorough treatment for one year. Two ounces of Special Lymph injected in moderate doses, and the doctor reports a complete restoration of potency, and very marked improvement in the general health of the patient.

* * * * * *

Incompetency, Complicated—Dr. E. Tresca, New York City, reports case of male, age 32, distinctly neurotic, autointoxication, chronic urethritis and prostatitis. Stricture cured without relief of the impotency. One ounce of the Specil Lymph Compound injected in average doses with a completely curative result. Two other similar cases also responded completely.

* * * * * *

Incompetency—Dr. L. A. Nieman, Brooklyn, N. Y., reports a negative result from the use of the Special Lymph in a patient 52 years of age, only a part of a bottle being used in this case. The balance of the bottle was used in a case of incompetency in a male, 36 years of age, condition one years' standing, and a wholly satisfactory result obtained.

* * * * * *

Incompetency with High Blood Pressure—Dr. J. M. May, Biloxi, Miss., reports case of a male, past 45, with high blood pressure. Patient had several pseudo-epileptic attacks, complete sexual deficiency, and usual symptoms of neurasthenia of long standing. One ounce of the Special Lymph Compound injected in average doses. Patient completely restored. Has had no more convulsions. Nervous system and blood pressure normal. In report six months later the doctor states the results have been permanent.

* * * * * *

Incompetency—Dr. A. W. Griswold, Bristol, Conn. reports case of a male, age 45, in excellent physical condition except for the functional fault. Two ounces of the Emulsion Lymph Orchitic Compound used with a completely curative result. No relapse reported, now four months since treatment.

426 Incompetency—Dr. A. C. Sherrard, Oakwood, Ohio, reports case of a male, age 58, incompetency of several years' standing. Three ounces of the Emulsion of Lymph Orchic Compound used with complete and permanent results. In concluding his report the doctor states, "I have investigated and thoroughly tried, in many cases, various other agents for sexual incompetency and the results have always been negative or practically so. I can honestly state that the Lymph Compounds are all, if not more than you claim for them."

427 EXHIBIT N.

(Endorsed) Filed Aug. 20-1919, John H. R. Jamar, Clerk.

Subject: In the Matter of Charges that the Packers Product Company at San Diego Bldg., and 311 River St., Chicago, Ill., is engaged in conducting a scheme for obtaining money thru the mails by means of false and fraudulent pretenses.

DEPOSITION OF DR. EDWARD H. REEDE.

Date: February 1, 1918. 2:30 P. M.

Present:

Dr. Edward H. Reede, Rochambeau Apartments, Washington, D. C.

Dr. Lyman F. Kebler, Chief, Division of Drugs, Bureau of Chemistry, Dept. of Agriculture, Washington, D. C.

Dr. Kebler: Doctor, will you state your full name?

Dr. Reede: Edward Hiram Reede.

Dr. Kebler: Where do you reside?

Dr. Reede: 815 Connecticut Avenue, Washington, D. C.

Dr. Kebler: What is your profession?

Dr. Reede: Physician.

Dr. Kebler: Are you engaged in general practice, Doctor?

Dr. Reede: No, I am specializing in matters of diagnosis.

Dr. Kebler: Have you had experience as a general practicioner?

Dr. Reede: Oh, yes, I have practiced ever since 1902.

Dr. Kebler: What has been your education and experience along medical lines?

Dr. Reede: I got some medical education at Cornell University where I received the degree of A. B.; Johns Hopkins medical school, and I had practical work in St. Luke's Hospital, New York City.

Dr. Kebler: State, if you please, what hospital experience you have had and what hospitals you have been and are now connected with?

Dr. Reede: I had an internship at St. Luke's in New York, and since being in the city here I am now attending physician to Freedmans Hospital. I was formerly pedistrician to
428 Freedmans Hospital. I was formerly pedistrician to Freedmans Hospital; formerly Professor of Children's Diseases, Howard University. That is all the hospital connection. I was medical inspector of schools here for awhile and am now connected with the Board of Children's Guardians.

Dr. Kebler: Have you written any papers or published any articles on medical subjects?

Dr. Reede: Yes sir. I have been particularly interested in the glands of internal secretion, and have published some articles on the glands of internal secretion. I have been particularly interested in these glands with reference to the growth of children in my work as physician of the Board of Children's Guardians.

Dr. Kebler: Will you state what you mean by the internal secretion glands?

Dr. Reede: The pituitary gland; the thyroid gland; the ovary; the testicle; the adrenal, the superrenal, rather, gland, and the parathyroid.

Dr. Kebler: You are, therefor, quite well acquainted with the animal product used for the treatment of disease, are you not?

Dr. Reede: Quite familiar with them. I have been using them quite extensively with reference to the growth in children.

Dr. Kebler: What do you understand, Doctor, by the phrase: "Orchis Extract"?

Dr. Reede: I should understand by that the extract made from the gonadal substance of the male.

Dr. Kebler: You would differentiate that from the testicular material itself?

Dr. Reede: I would think the term was not adequate to refer simply to testicular substance.

Dr. Kebler: Do you know who first used Orchis Extract?

Dr. Reede: Brown-Sequard. He was the first to use the muscular testicular substance, which was not an extract
429 in the true sense. It was probably a mullsified gland that was used hypodermically or intravenously, I do not know which,—certainly not by mouth.

Dr. Kebler: Do you know whether favorable reports are on record relative to—based on the use of the testicular tissue?

Dr. Reede: I know of no scientific reports.

Dr. Kebler: An examination by the Government of the Packers Product Company's compound called "Orchis Extract," gives the following results. I show you these results, Doctor, (Handing paper to Doctor). The analysis indicates that these Orchis tablets consist essentially of sugar of milk and orchitic animal tissue, an agency used in compressing tablets. Could such a product be administered hypodermically?

Dr. Reede: No, sir.

Dr. Kebler: Brown-Sequard, I understood you to say, was the first to administer Orchis Extract, and he administered it hypodermically.

Dr. Reede: He reports favorable results, yes, sir.

Dr. Kebler: Other favorable results had been reported during recent years by the administration of what might be called testicular extract by other observers, is that correct?

Dr. Reede: Yes, sir.

Dr. Kebler: I understood you to say that so far as you recollect no scientific observations had been made which indicate favorable results?

Dr. Reede: I am not familiar with any.

Dr. Kebler: By the use of the testicular material itself?

Dr. Reede: By mouth?

Dr. Kebler: Yes, sir, by mouth.

Dr. Reede: No, sir.

Dr. Kebler: I show you Government Exhibit I, entitled "The Rising Curtain," and ask you to glance over the booklet. You have glanced over this booklet before, have you not Doctor?

430 Dr. Reede: Yes, sir.

Dr. Kebler: I now call your attention to certain statements appearing therein and would ask that you make such comments on same relative to the claims and representations made therein as you may care to make, beginning with part included between the crosses, on page 4, which reads as follows:

Dr. Reede: (reading) "Through the discovery and perfection of this substance, which became known as Orchis Extract." They are not offering a perfected substance here from your analysis; certainly not a perfected extract. It is simply powdered material representing the gland, not a perfected substance as an extract to start with. In the second place, the statement that they are able to supply and offer to all men afflicted with Nerve Sexual troubles a true life-giving substance that will positively re-establish the functions of the nervous system and organs that depend upon these nerves to properly perform their function, is not true.

Dr. Kebler: Explain your answer.

Dr. Reede: So far as scientific men have been able to accomplish anything in this line, they have been only able to replace lost testicular effects by transplanting a similar organ into the body or by introducing the substance into the blood stream in such a way that it could circulate through what we term hormones, bringing about some repair. The hormone has never been isolated from the testicle. It probably is not present in the dried substance so far as we have been able to determine. This substance as far as evidenced does contain the hormone of the testicle.

Dr. Kebler: Comment on the following paragraph on page 5:

Dr. Reede: On page 5 they say "The chief ingredients
431 of this wonderful compound are those elements found in the brain, spinal cord and Orchitic Glands of the Ram, extracted, filtered under pressure, sterilized and combined with nerve and brain tonics." Apparently they are adding to the compound certain other substances derived from other sources. "Forming a powerful tonic which is readily absorbed by the stomach and conveyed directly to the nerve

centers which supply the generative organs." They have secured a product which is readily absorbed by the stomach and conveyed directly to the nerve centers. I can say that is a physiological impossibility.

Dr. Kebler: What would you say about the following on page 9, Doctor?

Dr. Reede: On page 9 they say "It has a specific influence upon the genito-urinary organs, but its general action is that of a powerful rebuilder and rejuvenator of the whole organism." I believe that statement is untrue, as well as the statement that "Pre-sinility or premature old age, is a condition which can in most cases be relieved by a careful and conscientious treatment of Orchis Extract." I do not believe that "Orchis Extract" has a special action on the glands of the reproductive organs, as here claimed.

Dr. Kebler: I wish you would make any further statements you care to make about the representation you may find in this pamphlet.

Dr. Reede: It is not true as stated here on page 10 "Orchis Extract, when introduced into the blood, should bring about a richer supply of blood so that the cold and shrunken parts of the body must return to vigor and vitality." I can say that that is quite impossible. On page 14 they say that "a powerful nerve building, strength giving tonic and invigorating treatment such as the Orchis Extract, is needed to assist lagging energy, strengthen the nerves that con-
432 trol the sexual organs, increase the circulation of blood throughout the body, and bring back to normal strength those organs that are weak." I have no doubt that such a tonic would be very desirable, but certainly could not say that Orchis Extract possesses these qualities. They say on page 15 "The only logical remedy is a general overhauling," which is a very laudable piece of advice. It is a general proposition, but I fail to see how Orchis Extract could do this, as they say "No matter what organ may be weak, it seldom fails to restore it to a normal condition." That is quite a preposterous statement. On pages 16 and 17 they say, "Orchis Extract is being recommended and prescribed by leading physicians throughout the civilized world for nervous weakness, general debility, sexual decline or weakened manhood, urinary disorders, lame back, lack of ambition, energy and nerve force, etc. I will admit that some certain preparations of powdered testicles are being used by

many men but only as an experimental step. I fail to know of any cases where one can scientifically demonstrate that powdered testicular extract has produced such results. It must be admitted that certain nervous people under the suggestion of a new treatment have shown improvement who have not shown similar improvement under other treatments.

Dr. Kebler: Do you consider that psychic in nature?

Dr. Reede: Yes, sir, quite so. It would appeal to the natural suggestibility of mankind. It would possibly be permissible to give testicular tablets for psychic treatments in connection with a hygienic regime, if one did it honestly and openly. On page 17 and 18, "Orchis Extract is a reliable compound for restoring lost vitality, renewing cell life,—." I don't think it is a reliable compound for that purpose. Further it is said that "Orchis Extract is being successfully used in cases of nervo-sexual troubles, such as nervous debility, lost manhood, night losses, and undeveloped parts." I 433 have no evidence accessible to show that it is being successfully used in that way. On page 19 they say, among other things, "It increases the nutrition of the nervous structures and stimulates the activity." I don't think that is possible. On page 20, "Much of ill health, vital weakness and impotency, can be greatly relieved by the use of Orchis Extract,—." I don't believe that either.

Dr. Kebler: I think you have read this circular, too, Doctor, which is Government Exhibit 3, entitled "Packers Product Co., manufacturers Orchis Extract For Weak Men." I would ask you to kindly read same again and state whether or not the claims and representations set forth in same could be fulfilled by the use of the tablet containing orchitic material itself?

Dr. Reede: In the first paragraph they say that "we are offering you the very best method and remedy for regaining lost sexual power." I believe that is untrue, inasmuch as we consider that lost sexual power is dependent upon either definite organic changes or very definite psychic reactions and that organic conditions due to disease or old age, are not replacable by medicine given by the mouth, and that those due to psychic conditions are only adequately handled by accepted psycho-therapeutic measures, I take very definite exception to this statement. Of course, they say that "we claim the loss of sexual power is simply an unnatural condition," which is very true, and they say "that the repro-

ductive organs are lying dormant and all that is necessary is to remedy that condition by applying a proper treatment which will awaken the dormant energies to vigorous action." That whole statement is so hazy and indefinite that it doesn't convey to my mind any definite condition of disease. It is quite unphysiological that an organ should lie dormant in an adult, and that a proper treatment would awaken it to vigorous action. They make the following statement here "that this product is being manufactured in the most extensive
434 laboratory of one of the largest Packing concerns in the world," and that that fact should "assure the most skeptical person that this product, we are now offering for sale, must have actual merit else this Packing firm with their world-wide reputation for honesty and quality, would not, for one minute, allow this product to be sold." At present a preparation of testicular substance in tablet form is being put on the market by Armour & Company, of Chicago, and it is being used by physicians, but there is no evidence yet that those tablets have any of the merits which have been laid down in the advertising matter herewith submitted.

Dr. Kebler: I would ask that you make any other statement for the benefit of the case that would be of service in one way or another.

Dr. Reede: Those physicians of us who are working most intensively with the glands of internal accretion believe that the adult testicle possesses two distinct functions, resident in two distinct types of tissue or cells of Sertoli which are concerned in the production of the actual spermatic elements, which are concerned in reproduction. This substance, which would form the major part of a powdered substance of the gland sacs, has no internal effect. The other type of tissue composed of the cell of Leydig are believed to have a secretion which is discharged within the body and which is very powerful in the growing child, which also continues to be potent in the adult in maintaining a certain integration among the ductless glands of the body, and which we believe exerts its action through an as yet unisolated substance hyperthetically termed Hermone. This hormone very likely partakes in its chemical conduct of the qualities of such hormones as those of the thyroid gland or the super-renal gland, but no one, as yet, has been able to isolate this active principle nor to apply it in any way by mouth to obtain its active effect.

Dr. Kebler: Doctor, I hand you Government Exhibit 3-A,

a copy of a letter to the Packers Product Co., by Harry B. Burke, and would ask whether the information contained
435 in the letter suggests, if anything, an abnormal condition?

Dr. Reede: It does not necessarily suggest an abnormal condition.

Dr. Kebler: Would the information contained in the letter enable a physician to make a suitable diagnosis and administer a proper treatment?

Dr. Reede: It would not.

Dr. Kebler: Is a physician able to diagnose an ailment from the statements of the patient?

Dr. Reede: Sometimes.

Dr. Kebler: What is generally necessary for the physician to do in order to assure himself that a patient is suffering any given malady?

Dr. Reede: I had in mind in answer to your question the neurosis and psycho-neurosis, which are sometimes recognized from the patient's conversation, but a physical examination is indicated before a physician is justified in forming any opinion about a patient.

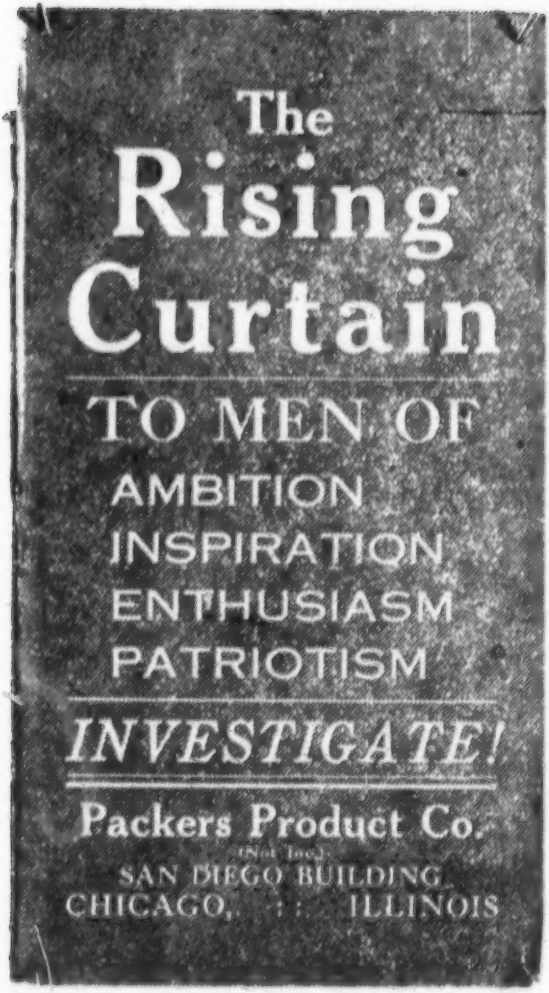
Dr. Kebler: Let me ask you this question; supposing the patient gives the physician information through correspondence would the physician be enabled to diagnose the patient's condition generally?

Dr. Reede: No, sir, except in very exceptional cases.

Dr. Kebler: Have you any further statement to make relative to the general impression that this form of advertising a treatment would have upon certain susceptible individuals at large?

Dr. Reede: Yes, I have. I have a very firm conviction that these companies do a great deal of harm, because I find in my work as a consulting physician to the municipal board having in charge all the orphans of the city, concerned particularly with boys coming through the adolescent period of life, they are very prone to develop anxieties regarding their sexual condition shortly after puberty. To be sure it oftentimes arises from bad parental education. The fact, however, remains that their condition works and oftentimes
436 crystallizes into a very definite psychosis through the suggestion of reading these untruthful and unscientific advertisements. They are so subtly worded that almost any young man of 17, beginning to have physiological emissions

and beginning to have physiological sexual feelings, could easily believe that he was afflicted with some ailment which will prevent his attaining maturity or produce his early death. Any many of these young men become incapacitated for taking up the work of an active manhood from no other cause than the anxiety neurosis which they develop from this advertising matter.


The
Rising
Curtain
TO MEN OF
AMBITION
INSPIRATION
ENTHUSIASM
PATRIOTISM
INVESTIGATE!
Packers Product Co.
(Not Inc.)
SAN DIEGO BUILDING
CHICAGO, :: ILLINOIS

The object and purpose of this little booklet is to endeavor to explain to men a treatise of a private nature, which we believe will be of interest to you, even though you may not at the present time be in need of same.

Health is the greatest of all possessions, perfect manly health with every organ of the body capable of performing its function with strength and vigor. Yet a good many men, who to all appearances are in perfect health, who attend with seeming interest to their daily affairs, are the keenest sufferers from the violation of the laws of nature, because of their physical weakness which saps the pleasures of life.

Much of this misery and suffering is brought on by man himself—over work—over indulgences in pleasure—debauch or secret vices. Constant application of the brain without rest are the principal causes in the breaking down of the nervous system, the keystone of good health.

Neurasthenia—A terrible malady, brought on by these excesses soon results in a broken spirit, weakened manhood and functional disorders. Many who visited with hope their family physician soon got discouraged and secretly became the victims of Patent Medicine—Venders of Free Prescriptions—Free Trials—No pay Till Cured—Electric Belts—appliances of different kinds and others too numerous to mention.

The Science of Medicine and Chemistry long sought to relieve this pitiable condition, realizing that the old remedies and stimulants used at that time were inadequate to rehabilitate the depleted system.

The great problem that confronted these men of science and chemistry was to find a remedy or substance that could be easily absorbed by the gastric juices of the stomach, and in no way be injurious to the stomach.

After exhaustive study and costly experiments they at last found that from certain secretis of the testes of the ram they could obtain a substance which could be readily absorbed, without injury, resulting in replenishing the exhausted organs and nerve cells supplying the Sexual Organs and Prostate Glands with new life.

Through the discovery and perfection of this substance, which became known as Orchis Extract, the science of medicine and chemistry was able to supply and offer to all men afflicted with Nervo Sexual troubles, such as Lost Manhood, Nervous Debility, Nervous Decline or Exhaustion, Lack of Power of the Reproductive Organs and Atrophy of the parts a true life-giving substance that positively will re-establish the functions of the nervous system and organs that depend upon these nerves to properly perform their functions.

It has practically revolutionized the treatment in vogue since the time of Hippocrates, 2000 years ago, consisting of aphrodisiac stimulants. Every country had its favorite remedy, and in their time opium, musk, cantharides, amber, cannabis indica, cocaine, yohimbin, phosphorus, nux vomica, damiana, saw. palmetto, muirapuama, hoang nan. etc.,

have been popular; but none of these drugs possess any value whatever in sexual debility, because they do not influence the circulation and nutrition of the organs, as Orchis Extract does, not by operating upon the organs themselves, but upon the nerve center controlling them. Without such action, restoration of their functions is impossible.

Composition and Mode of Action.—The chief ingredients of this truly Wonderful Compound are those elements found in the Brain, Spinal cord and Orchitic Glands of the Ram, extracted, filtered under pressure, sterilized and combined with nerve and brain tonics, forming a powerful tonic which is readily absorbed by the stomach and conveyed directly to the nerve centers which supply the generative organs.

Its constituents are the natural brain and nerve foods which support life and supply nervous vigor; when these substances are drained from the blood by wrong living, vicious habits and excesses of various kinds, the Orchis Extract not only restores them, but reconstructs the cells of the organs that have been robbed of their natural pabulum. Although not regularly on the market, it has been used by physcians since 1896, and pronounced the only remedy for nervous debility and kindred ailments of men worthy of the name.

Animal Therapy, although comparatively new, is now acknowledged as the natural, physiological cure for a class of ailments heretofore monopolized by "Weak Men," and "Lost Manhood Restored" advertising fakes and quacks, in which no other remedy has proved successful. Its advent into practical medicine is the death knell of these frauds, because it actually does what they

merely claim to do, but as every sufferer who has ever tried them knows, never accomplish.

In placing this extract in your hands we are not attempting in any way to misrepresent to you what this product is, neither are we attempting to try and impress on your minds that this extract was discovered by some supposed Chinese, Turkish, Hindoo, or some Indian Medicine Man. But on the other hand we frankly tell you that this product and wonderful remedy which has been known to the medical profession only and has been used by the most celebrated physicians both of this country and Europe with wonderful success is being compounded in the laboratory of one of the largest and best equipped Packing Concerns in the world operated and managed by the most competent and skillful chemists that can be found. This itself should convince the most skeptical person or persons that the remedy we are calling your attention to, is absolutely harmless and reliable, and furthermore, this laboratory is at the present time supplying more physicians with genuine lymph products than the combined laboratories of the country.

The following are extracts from some of the most eminent physicians and surgeons of the world, taken from leading medical journals:

Brown-Sequard first claimed that the testicle secretes a substance which through the nervous system maintains mental and physical vigor. In 1896 Zorh and Pregel (Pfluger's Arch, 1896) claimed to have proved definitely that Orchis Extract diminishes mus-

cular and nervous fatigue. Loisel and Regard have shown that the testicles elaborate an internal secretion which largely determines the secondary sexual characteristics. Recently Angel and Bouin (Comptes, rend de l'Acad, des Sci. 1903-1904) found that the interstitial cells or glands, as they call them, are especially concerned in controlling the development of the secondary sexual characteristics of the male, and probably this action is due to an internal secretion. Orchis Extract is rich in nuclein, and hence has been given with success in anaemia and tuberculosis. It increases arterial pressure (Patta). It is suggested and indicated, and has been given with very favorable results in neurasthenia and sexual debility. G. L. Roberts reports favorable results in the treatment of exophthalmic goitre (Brit. Med. Jour. Jan. 2, 1904). D. J. McCarthy (Int. Med. Mag., Nov. 1900) reports the successful treatment of tabes dorsalis, and sclerotic diseases. W. Dufougere recommends Orchis Extract in chlorosis.

THE GAUGE WHICH MOST ACCURATELY MARKS PRE-SENILITY OR PREMATURE OLD AGE.

Nature intended man to retain all his powers and faculties unimpaired to an advanced age; but the march of civilization has been so rapid, the body has been unable to adapt itself to the demands made upon it and the spectacle of men prematurely old is a common one

The gauge which most accurately marks the reduction of vital power is the status of the reproductive system The wonderful stimulus, the energy and virility which

the healthful activity of this function imparts to the entire organism is noted at puberty, and remains throughout life a true indicator of the general bodily condition of the individual. Indeed it may be truthfully claimed that strong, vigorous, self-controlled sexual health, is a necessary element of a virile, strenuous life; without it there are few, if any successes, certainly not many great achievements.

Sexual health is rarely self controlled.

To the average male adult nothing, perhaps, short of death itself is more generally dreaded than the loss of virility, and indeed, instances are common where men have laid down their lives rather than submit to operations which would annul their powers of procreation. Most surgeons can recall cases where men have absolutely refused to part with useless carcinomalous organs, although fully cognizant that such refusal meant death, simply reiterating in answer to every argument that they preferred to die like men rather than submit to emasculation. Hence impotence must rank as a most important pathological condition. Decadence of the generative system has, then, a deeper meaning than appears upon the surface. It implies a general loss of physical integrity. The better class of physicians are more inclined to turn a listening ear to complaints which involve the reproductive organs—and this is as it should be, for whether occasioned indirectly by the stress and strain of modern life or directly by the excesses of intemperance, the physician is a healer, not a moral censor, and should devote his best energies to devise some means to cure.

Treatment directed toward improving

this condition looks also to improvement of the general condition, and conversely, general tonic treatment reacts favorably upon the reproductive system. Experiments of physicians along this line have repeatedly disclosed this double action, produced by Orchis Extract. It has a specific influence upon the genito-urinary organs, but its general action is that of a powerful rebuilder and rejuvenator to the whole organism. Its effect upon the nervous system is marked, and remedies which favorably influence the great organ of life are regarded by physicians as the most useful they have.

Pre-senility, or premature old age, is a condition which can in most cases be relieved by a careful and conscientious treatment of Orchis Extract.

Orchis Extract has a special action on the glands of the reproductive organs.

Its action is that of a great vitalizer—tending to increase their activity, to aid their secretory functions and promote the normal development. It is specifically indicated in cases of atrophy of the private organ so common in cases of sexual abuses. Orchis Extract operates in a most remarkable manner in overcoming these conditions.

PROVE TO YOURSELF WHAT THE BLOOD CAN DO.

It is a well known fact that the blood constitutes life in the human body. To convince yourself that no organ of the body can retain strength and life without it, is simple; for example, place one of your arms in an unnatural position, far above your head, when in bed, until all the blood has left it and returned to the trunk of your

body, when, as the saying is, it will go to sleep, it becomes numb, eventually it becomes heavy and you are unable to lift or control it without the use of the other hand, because the blood, the active agent of life, has deserted it. If left in this position long enough it would become dead and useless, for the nerve tissues and muscles lose their power when the blood fails to reach them, and give them nourishment and strength with which to do their work. So it is with all other organs if through obstruction or through weakness the blood is unable to reach any part of the body, the nerve tissue and muscles gradually shrivel up and that part becomes useless and lifeless.

WHAT A WONDERFUL SENSATION

You experience when the blood returns to your arm; what a feeling and stinging sensation the renewed circulation brings. Life and strength again take hold where seemingly death had been.

Orchis Extract, when introduced into the blood, should bring about a richer supply of blood so that the cold and shrunken parts of the body must return to vigor and vitality; ambition will be restored by stronger and healthier nerve tissues and muscles, and relief or a cure is sure to follow.

Our method of treating the blood, nerve centers and muscles should prove to you that our method is correct; that to build up the entire system is the true way to reach all weak organs and again make them strong and healthy. If every remedy on earth has failed you, a short trial of Orchis Extract should show you results that will more than repay you for the small investment required. Do not wait until it is too

late. We will help you, if you believe in a good common-sense method and honest treatment.

PHYSICAL DECLINE—ITS CAUSES AND CONSEQUENCES—NO MAN IS EXEMPT.

Prevalence of Weakness. There are in America today upwards of twenty millions of men, between 17 and 65 years of age, who are earnestly seeking relief from sexual weakness in some form or stage. In this vast number are those who, perhaps in ignorance, have weakened and retarded their organic functions, bring upon themselves a series of nerve derangements, that make life a burden.

Nervousness. A bulletin on health statistics from 1900 to 1904 has been issued by the United States Census Bureau, which claims that no less than 302,876 persons died from some nervous disorder during this period. This large number of deaths is even greater than those who died from more common fatal tendencies of tuberculosis, typhoid fever, malaria, infectious fever, alcoholism, cancer, pneumonia, and even the epidemics of yellow fever. Hence nervous diseases take precedence of all other classes of diseases as a death producer or destroying agent. That nervous and mental diseases are increasingly prevalent and widespread is very clear.—The Alienist and Neurologist, St. Louis, Mo.

APPEARANCE NO INDICATION OF HEALTH AND MANLY POWER.

Many a man, apparently strong and healthy, who seems to be in perfect health,

knows only too well wherein his weakness lies.

His vital force is gone, he has lost the courage, ambition and energy of former years; he lacks that confidence which makes life a success, both in the home and business world; he is unfitted for the duties of life, becomes melancholy and despondent.

It is unnecessary to describe the causes leading up to this state of affairs. Men to day are aware that these results may be expected from early indiscretions, overwork, worry, hard manual labor and a dozen other causes.

ANY MAN IS LIABLE TO BE WEAK.

Before proceeding further, we wish to say that not all cases of nervous and sexual decline are caused by excess, abuses, over-indulgence or intemperance.

At this stage of advanced science it has become a well known fact, that a great many men, suffering from nerve weakness and lack of manly power, have never abused themselves in any manner.

Such men have led exemplary lives; they may be business men, laboring men, doctors, lawyers or ministers. It has been demonstrated that the strain and worry incident to business cares, undue excitement, sedentary habits, excessive manual labor, constant devotion to study, grief, and the wear and tear of constant brain work, **are all frequent causes of weaknesses of the generative system.**

DO NOT LET FALSE PRIDE STOP YOU FROM BEING CURED.

From this it will be seen that **no man should hesitate** to take the proper treatment

for nervous weakness, sexual decline and its accompanying ailments, for by so doing he is by no means admitting that he has anything to be ashamed of. If in a weakened condition, it is due to himself whether married or single, that he put himself in good physical condition and we say, don't delay. **Don't let false pride keep you from curing yourself.** Attend to it before it is too late.

FIRST LAW OF NATURE.

It is a man's natural duty to be strong and vigorous, and it should be his chief aim to preserve his vitality. In no sense of the word is a man fitted for the duties of life, if he has grown old before his time, or if he suffers from any of those weaknesses peculiar to men, such as Nervous Weakness, Sexual Decline or Weakened Manhood, Urinary Disorders, Lame Back, Unnatural Losses, etc., that sap the strength and exhaust the vitality and nerve force.

SEXUAL POWER IS SELDOM LOST.

Any honest doctor will tell you that sexual power is seldom lost, except as a natural result of old age. True it is, that men in the prime of life, as well as younger men, who ought still to be in perfect health, find their manly power declining.

WHY?

Why? Because their nerves and blood have been robbed of those vital elements that furnish the organs with nourishment to keep them in good working order. Few men realize that in most cases sexual weakness is simply nerve weakness. Of course, anything that tends to lower the tone of the body may bring on sexual weakness, such

as nervous shock, worry, the strain of overwork and a dozen other causes.

RELATION OF NERVES TO BODILY FUNCTIONS.

The vital organs are governed by the nerves, and while a man may be strong and vigorous in every respect, excepting a lack of manly strength, this plainly indicates that the nerves that control the sexual organs have been robbed, in some way, of their strength and they can no longer check and repair the nervous waste.

When a man realizes that he is weak, or failing in any of these essentials of physical manhood, we cannot urge to strongly upon him the necessity of treating his weak nerves. A powerful nerve building, strength giving tonic and invigorating treatment, such as the Orchis Extract, is needed to assist lagging energy, strengthen the nerves that control the sexual organs, increase the circulation of blood throughout the body, and bring back to normal strength those organs that are weak.

HYPOPHOSPHITES SALTS SUPPLY MISSING ELEMENTS.

Whatever may be the cause of the weakness the timely use of Orchis Extract for a reasonable length of time, seldom fails in stimulating the functions of the body, bringing about tissue repair, so that those parts that are weak, are strengthened and restored to their normal condition.

What can be a more sensible form of health insurance, what a greater preventive of weakness, sickness and disease, what a

more rational remedy in the case of weaknesses peculiar to men, than the use of Orchis Extract.

THE ONLY LOGICAL REMEDY.

Weakness and ill health may be due to many causes, a torpid liver, inflamed kidneys, jaded nerves, etc. A man may be reasonably certain that it is this or that function that is at fault. But never can we be absolutely certain, beyond all question of mistake, for no one is endowed with X-ray sight. We cannot look into our bodies and see the organs work, therefore at times it is even difficult for a doctor to apply the correct treatment, unless it be a logical remedy, such as Orchis Extract.

Let us illustrate it in this way:

An engine that has been running smoothly suddenly breaks down. An expert is called in. Examination fails to reveal to his trained eye the exact cause. But he knows there is a cause. Something which he cannot see is out of adjustment. He accordingly orders a "general overhauling." The engine is gone over, cleaned and readjusted. Nuts and bolts are tightened. The work completed, the steam is turned on, and the engine runs smoothly again.

WORK WITH NATURE'S LAWS.

It is just so with the body. The particular cause of a man's weakness is often obscured, but nevertheless we know it exists. The only logical remedy is a general overhauling. This is just what Orchis Extract does. No matter what organs may be weak, it seldom fails to restore it to a normal condition, and whatever organs are sound, it will stimulate to their full activity.

When the nerves are strong and the blood pure and healthy, the proper circulation forces out the blood laden with impurities, and encourages the return of fresh, pure blood.

WHAT MANLY STRENGTH IS.

Manly strength is the "grit," the "nerve" that keeps a man's toe to the firing line of life until he wins the fight. It is the one absolutely essential element of physcial, mental, business and social success, of which the weak man has too little. Few men realize what "manly strength" means, for manly strength is certainly something more than mere freedom from sickness.

Every year hundreds and thousands are added to the already long list of men who suffer from lack of manly strength. Dozens of causes are responsible for this state of conditions, but by far the most cases are from lack of nerve force. Nerve force is the stamina-staying power — foundation strength—constitutional vigor, in short vibrant and responsive force. It is the good physiological fairy that gives physical happiness and material success.

RESERVE NERVE FORCE.

The wise man will start in to recover his manly strength the moment he understands the true significance of his condition. When he finds that nature must have assistance, he will use a full course of Orchis Extract and store up a reserve fund of nerve force. It is this reserve fund of nerve force that enables him to maintain a pace and bear up under a strain that would otherwise wear him out.

Orchis Extract is being recommended and

prescribed by leading physicians throughout the civilized world for Nervous Weakness, General Debility, Sexual Decline or Weakened Manhood, Urinary Disorders, Lame Back, Lack of Ambition, Energy and Nerve Force, Sleeplessness and Rundown System. We believe it is the greatest remedy and that is has no equal. It has proven itself safe, prompt and satisfactory in hundreds of cases.

So many men do not take any remedy regularly and faithfully, and unless treatment is given a chance to demonstrate its curative value, it cannot be expected to cure or benefit. What we send out is a treatment that will give strength, force and staying qualities, vim and vigor; the hope of enervated youth the support of the over worked middle aged; the prop and mainstay of middle years.

If a patient is faithful to the treatment he may reasonably rely on again enjoying a full measure of strength and ambition, according to his age and the laws of nature.

Honest treatment and the earnest desire to bring relief or a cure within the reach of every suffering man, are the grounds on which we base our reputation, and put the strongest claim on your trust and confidence.

If you are failing in any of the essentials of manhood, we cannot urge you too strongly to give your case timely and immediate attention. Think of the comfort and happiness of coming years, that result only from health and strength, and make up your mind to try with confidence Orchis Extract.

Orchis Extract is a reliable compound for restoring lost vitality, renewing cell life,

resulting in restoring life, strength and development to the organs of man.

Orchis Extract is being successfully used in cases of Nervo-Sexual Troubles, such as Nervous Debility, Lost Manhood, Night Losses, and Undeveloped Parts. It is for the weak man, for the debilitated man, for every man who needs a reliable remedy to renew his life and vitality, enrich the blood, tone up the stomach and aid digestion, to soothe the nerves, to overcome vital exhaustion, to stimulate the liver and kidneys and to send new energy and new sustenance to every cell and tissue of the body. To nourish the brain, strengthen the memory and to renew life with health and strength.

Orchis Extract is not a false stimulant. It positively does not in any way contain any injurious or habit-forming drugs, but does, in every way, comply in every respect to the Pure Food and Drug Act.

EMINENT M. D.'S PRESCRIBE IT.

Don't waste time wondering if Orchis Extract will reach your case. Wondering will not help you. Remember, specialists of highest standing prescribe it for weakness in all stages. You cannot go wrong by heeding this. These expert doctors, with their vast knowledge and experience, know what is best in medicine for weak men.

Orchis Extract is put up in tablet form. In this form it is absolutely accurate as to dosage, most convenient to use and will positively not injure any part of the system.

Orchis Extract is not an experiment, nor the result of cursory knowledge, but, on the other hand, is the embodiment of painstaking study and exhaustive research, and is

a product that is being used by the most eminent specialists throughout the civilized world and any man who is weak, run down and needs such a remedy, cannot afford to ignore such a reliable compound as Orchis Extract.

Orchis Extract is a reliable compound for building up wasted organs and low vitality; invigorates the "stamina," the staying power, the responsive nerve force that makes you capable of enjoying life, invigorates man's virile strength; is a reliable remedy for all Nervous Affections, Nervous Debility, Physical Weaknesses, and Functional Disorders; is a great "tissue builder." It increases the nutrition of the nervous structures and stimulates their activity.

We again wish to impress on your mind that Orchis Extract is not a false stimulant and any one taking this form of treatment must not expect spontaneous results. The troubles for which Orchis Extract is being prescribed for are as a rule diseases that are the results of either years of dissipation or unnatural practices, and it requires time to show an improvement.

In presenting to you the use of Orchis Extract we do so with the firm belief, backed up by actual truths, that it is the most valuable remedy known to the medical profession for the relief of Nervo-Sexual troubles.

BE FAIR WITH YOURSELF.

Now that you have read this plain statement of facts, ask yourself—"Do I need it?" Be fair with yourself. Don't overestimate your condition. There is no man whose

strength cannot be increased. In justice to your own candid belief, give yourself the benefit of what it can accomplish.

In cases of vital prostration where men have lost all interest in life because there is no response to the natural laws, Orchis Extract exerts a helpful influence. We might refrain from a sense of delicacy, upon dwelling too lengthily on this subject. Yet it should be understood that the reproductive organs of man have more to do with his good health than is generally known. The reproductive organs and these, through the spinal cord, lead to the brain. Much of ill health, vital weakness and impotency, can be greatly relieved by the use of Orchis Extract, a powerful aid to the nutrition of all the organs.

We again state to you that in offering you this product we do so with a full knowledge, backed up by actual facts, that this Extract does not in any form contain mineral or poisonous products, but that it fully agrees and lives up to the latest Pure Food and Drug Act.

We are not running a so-called fake medical company or institute. No. C. O. D. scheme. No fake guarantees. No free trial treatments. No frauds or humbugs in any form.

Owing to the high cost of manufacturing Orchis Extract, we are unable to sell it for less than $2.00 a box, 3 boxes for $5.00.

Each box contains a month's treatment.

Remember, Orchis Extract is put up in tablet form, which is convenient to carry and can be taken at any time and in any place. Shipped by mail, prepaid, in absolutely plain package.

Remittances can be made in form of Postoffice or Express Money Orders, or Bank Draft.

Address all letters and make all remittances payable to

Packers Product Co.

Note...

SAN DIEGO BLDG.

CHICAGO, ILLINOIS

ORCHIS EXTRACT
Is sold at the following prices

1 box . .	$2.00
3 boxes . . .	5.00

Packers Product Co.,
SAN DIEGO, BLDG.,
CHICAGO

Gentlemen:—

Enclosed please find $_____, for which please send_____boxes of your ORCHIS EXTRACT.

_____

(PLEASE WRITE PLAINLY)

Name _____

City or Town_____

County_____State_____

Number and Street_____

Post Office Box_____

R F D Route No._____

Fill out, tear off on dotted line and mail with your remittance

PRICES

1 box	**$2.00**
3 boxes	**5.00**
6 boxes	**9.00**

TESTIMONIALS.

Read what some of our customers have to say of our wonderful

ORCHIS EXTRACT.

We have numbers of such letters on file and would be pleased to show the originals to any one interested. For the sake of privacy, we refrain from publishing names.

READ WHAT THEY SAY.

Lester, W. Va., Aug. 8, 1911

Packers Product Co.,
Chicago, Ill.

Please find enclosed $2.00 for which send me one box of Orchis Extract, (Packers Product) as I am very pleased with results so far.

Yours truly,
J. N. J.

Mound City, Mo., Aug. 23, 1911

Packers Product Co.,
Chicago, Ill.

Gentlemen:—

Enclosed find $2.00 for which please send me one more package of Orchis Extract. I think it is helping me so I am going to continue the use of it until I think I am cured.

Yours Very truly,
Thos. C.

Mound City, Ill., Aug. 11, 1911

Packers Product Co.,
Chicago, Ill.

Gentlemen:—

Enclosed find $2.00, send me one box of Orchis Extract for weak men. I have taken one box and received good results. Send them at once.

Yours respectfully
J. W. A.

Arneckeville, Texas, Sept. 11, 1911

Packers Product Co.,
Chicago, Ill.

Gentlemen:—

Enclose Postal Order for $2.00 for which you can send another treatment. I believe I am now gaining strength right along. Can't you make a little reduction and send me two month's treatment, as I expect to keep it up a good while.

Has done me more good than all medicine taken in last twenty years.

Yours truly,
C. A. H. A., Sr.

Boston, Sept. 1912, 1911

Packers Product Co.,
Chicago, Ill.

Gentlemen:—

Enclosed please find check for $5.15, for which please send me at once three month's treatment of your Orchis Extract. I find that the last three months' treatment that I had has done me quite a lot of good, and so satisfactory, that I shall keep the treatment up until well. Trusting that you will make immediate shipment, I am

Yours truly,
M. S. W.

Huron, S. D., June 13, 1911

Packers Product Co.,
Chicago, Ill.

Gentlemen:—

I have used your treatment and am sure has helped me a whole lot, am feeling better than when I commenced to take it. I do not have those tired feelings as much as I did and feel quite some better other ways, would like another box of the Orchis Extract. Will enclose $2.00 for another box.

Yours truly,
C. C. S.

THE HOME OF ORCHIS EXTRACT

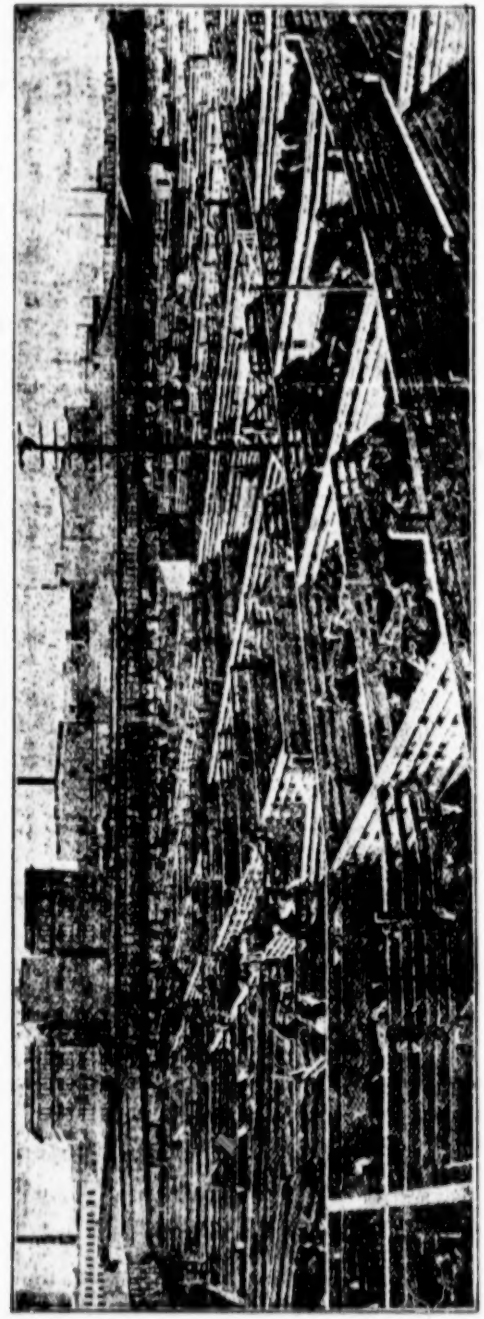
The
Rising
Curtain

TO MEN OF
AMBITION
INSPIRATION
ENTHUSIASM
PATRIOTISM

INVESTIGATE!

Packers Product Co.
(Not Inc.)
SAN DIEGO BUILDING
CHICAGO, :: ILLINOIS

Packers Product Co.
MANUFACTURERS
ORCHIS EXTRACT
FOR WEAK MEN



SAN DIEGO BLDG. CHICAGO, ILL.

SAN DIEGO BLDG. CHICAGO, ILL.

Dear Sir:--

In calling your attention to our Orchis Extract we honestly believe we are offering you the very best method and remedy for regaining lost sexual power.

In submitting to you this proposition relative to this product we have fully taken into consideration the fact that the newspapers and periodicals published throughout the country are filled with all kinds of alluring advertisements in regard to the treatment of lost manhood and sexual decline and that a majority of such concerns so advertising, request men afflicted with nervo-sexual troubles, to write for literature and the majority of the literature sent out of such concerns is so worded (with an object in view) that any man, even though he be in perfect health, will find after reading over that literature, some symptoms contained in it, which probably he has, in the past been troubled with.

If he were to take for granted the authenticity of the statements made in that literature, he would be in great danger and if he allowed his case (according to their statements) to go on without taking up their treatment that he would, in the course of time, be beyond the means of relief.

The main object of such concerns is to impress upon all men that are or have been troubled with nervo-sexual weakness or lost vitality, in any way, that when once such cases pass beyond a certain point there is absolutely no chance to obtain relief.

We contend that such statements are exaggerated and false and are only made for the purpose of increasing the sale of their medicine; we further contend that no man or woman ever reaches a point where all nerve and sexual powers are entirely lost.

251

...ask me, let me know by return mail. Your medicine certainly has worked wonders so far and again, I thank you.

...another order just as soon as the weather gets a little cooler. I don't think that it agrees with me ...

...going to try it more regular and follow directions more carefully.

condition, that the reproductive organs are lying dormant and all that is necessary is to remedy that condition by applying a proper treatment which will awaken the dormant energies to vigorous action and after such action has been accomplished, to exercise, on their part, a certain degree of care in the future.

We honestly believe that no form of treatment has yet been offered that will accomplish the same results that can be had from the use of Orchis Extract. The very fact that this product is being manufactured in the most extensive laboratory of one of the largest Packing concerns in the world, and whose meat products are being sold in most every city in the world, assures the most skeptical person that this product, we are now offering for sale, must have actual merit else this Packing firm with their world wide reputation for honesty and quality, would not, for one minute, allow this product to be sold.

We desire to impress upon your mind this remedy is not an experiment but on the other hand it has been successfully used by some of the best medical specialists for over ten years and after proving itself a thoroughly reliable remedy it is now being offered to the public at large as a standard medicine.

In closing this letter we earnestly ask you to read carefully the enclosed booklet and after due consideration you feel that Orchis Extract will be of benefit to you in your present condition we would suggest to you that you waste no further time in making experiments but order a course of our treatment and we can give you every assurance that you will be more than pleased with its results.

Thanking you for the interest you have taken so far and trusting that we can be of some service to you, we beg to remain

Respectfully yours,

PACKERS PRODUCT CO.

450 EXHIBIT Q.

MAIL ORDER DEPARTMENT

ORCHIS EXTRACT

THE MOST WONDERFUL TREATMENT FOR MEN

MANUFACTURED AND SOLD BY

PACKERS PRODUCT CO., San Diego Bldg., CHICAGO, ILL.

Gentlemen:—

_____ Inclosed please find $_____ for which please send_____ boxes of ORCHIS EXTRACT.

(PLEASE WRITE PLAINLY)

Name _____

City or Town _____

County_____ State_____

Number and Street_____

Post Office Box_____ R F D Route No._____

Prices: One Box, $2.00; Three Boxes, $5.00; Six Boxes, $9.00

We claim the loss of sexual power is simply an unnatural condition, that the reproductive organs are lying dormant and all that is necessary is to remedy that condition by applying a proper treatment which will awaken the dormant energies to vigorous action

WE HEREWITH SUBMIT FOR YOUR CAREFUL CONSIDERATION A FEW TESTIMONIALS. LIMITED SPACE PREVENTS US FROM USING HUNDREDS THAT WE HAVE. ORCHIS EXTRACT IS A REMEDY WORTHY THE CONSIDERATION OF ANY FAIR MINDED THINKING MAN AND AS A REMEDY, IN OUR OPINION IT HAS NO EQUAL.

Edinburg, Ind.

Packers Product Co.,
Chicago.

Gentlemen:—Am 76 years of age Been sexually disqualified for 25 years. Orchis Extract is the only remedy that ever gave any promise of a cure Will give it a fair trial.

Yours truly,
J. A. W.

National Mil Home, Ohio, June 14, 1916.

Packers Product Co.,
Chicago.

Gentlemen:—I have now begun to take the third box of Orchis Extract and I think that I am justified in saying it is the best ever and I have taken several others and I am now a man past 68 years. I had made up my mind that that weakness could be cured just as well as any other organ of the human body. Well, I believe that your remedy is proving that I am right. I never do brag on anything until I know that I have a reason. I was sexually weak very much, so shrunken parts couldn't accomplish the sexual act. Well, I am now like a young man 25 years old. It is doing more than I thought it would.

Yours truly.
O. B.

Minneapolis, Minn., Jan. 18, 1915.

Packers Product Co.,
Chicago

Gentlemen:—I enclose two dollars. Please send me one box of Orchis Extract. Your Extract has

Coffeyville, Kan., April 18, 1916.

Packers Product Co.,
Chicago

Gentlemen:—Enclosed find $2.00 for another box of your Orchis Extract. I am feeling some better and I am satisfied that Orchis Extract is doing me some good. It is better than anything I have ever tried before and I have tried about everything that is on the market. I am improving sexually slowly.

Yours truly,
J. J. K.

Paducah, Ky., May 6, 1916.

Packers Product Co.,
Chicago, Ill.

Gentlemen:—Enclosed please find check for five dollars $5.00 for which please send me three boxes Orchis Extract. The last order I got from you was not for me but for a friend of mine. He is well pleased with them. I haven't taken any for some time, but I want to take them again. When I started taking them I weighed 169 lbs. Now I weigh 187.

Yours respectfully,
E. F. M.

Waynesville, Ill., June 3, 1916.

Packers Product Co.,
Chicago, Ill.

Gentlemen:—After using another box of the Extract wish to state that I am steadily improving. My case is of long standing, but believe this medicine will finally cure me and am going to continue the treatment. I send you post order $2.00 for another box of the Extract.

Cornice, N. Y., Mar. 31, 1914.

Packers Product Co.,
Chicago, Ill.

Gentlemen:—Your letter of March 3rd received with the box of Orchis Extract and I have taken it now a week and I am wonderfully surprised at the results so far. My whole sexual organs especially my testicles are enlarged in size and if I keep on I will be to a short time as strong as one of them buck sheep. I am glad I have found at last something that will help me.

I thought I would write, I thought you would be anxious to know how I am getting along. I sleep fine, I only have to get up once at night, about 3 o'clock, then I rest good till morning. I hope I will get permanent and lasting results.

Thanking you for your prompt attention, I remain,

Yours respectfully,
J. H. S.

Kingman, Ind., Nov. 20, 1912.

Packers Product Co.,
Chicago, Ill.

Gentlemen:—Please send me for the enclosed $3.00 and pay yourself for the balance on the extract that I got before. I would send for more but I have not the money at this writing. I am out and think that it has done me more good than all the medicines I have taken for the last nine months in fact I have felt better than I have for the last year. Send at once as I don't want to be without it ten minutes longer.

Yours truly,
M. T.

the enclosed booklet and after due consideration you feel that Orchis Extract will be of benefit to you in your present condition we would suggest to you that you waste no further time in making experiments but order a course of our treatment and we can give you every assurance that you will be more than pleased with the ...

Richmond, Ohio, Aug. 3, 1911.

Packers Product Co.,
Chicago.

Dear Sirs:—You will find enclosed here $2.00 for which please send me 1 box of Orchis Extract as I believe I will just take one once in a while. I am feeling fine and in very good shape, far better than I ever expected to. Your treatment is certainly all right, as has proved so in my case, thanking you very kindly.

Yours truly,
R. M. C. E.

Harper, Kan., Aug. 1915.

Packers Product Co.,
Chicago, Ill.

Dear Sirs:—As my three months treatment of Orchis Extract is drawing to an end I will write you today regarding my case at the present time also about another three months' treatment of your remedy. I believe that your treatment has done me more good than all of the other medicines combined that I have taken before commencing your treatment. I can sleep better at night, get more good out of my meals and am not troubled with the attacks of acute indigestion which used to trouble me ever so often about midnight.

Yours truly,
H. D. B.

De Kalb, N. Y., Sept. 26, 1915.

Packers Product Co.,
Chicago.

Dear Sirs:—Please accept remittance for another box of your Orchis Extract which I am just sending forward. Please be prompt as possible in sending. You would be surprised to know the change it has made in me if you could see me so I am going to continue until I know it has thoroughly filled up my system again. I will close, hoping you will send it as soon as possible.

Yours truly,
B. D.

Estra, Ia., July 20, 1915.

Packers Product Co.,
Chicago, Ill.

Gentlemen:—I enclose $5.00 for 3 more boxes of Orchis Extract. I have used 6 boxes of the extract the last year. It is a wonderful medicine for men. I never felt better as I do now. It has built up my entire nerve system and I will not be without it for 3 more boxes.

Yours truly,
C. H.

Fleetwood, Pa., June 26, 1915.

Packers Product Co.,
Chicago, Ill.

Gentlemen:—In reply to your letter regarding the results obtained through using Orchis Extract I would say that I feel stronger throughout the whole body. It is a nerve tonic that works fine and increases the warmth in the parts. I am going to keep on using Orchis Extract as long as I feel any benefit from it.

Yours truly,
D. K. S.

Brooklyn, N. Y., July 16, 1915.

Packers Product Co.,
Chicago, Ill.

Gentlemen:—I send herewith, another order for Orchis Extract. This order is my testimony to the good it has done me and my faith in its curative properties. Later I shall send you a more definite and detailed statement.

Yours truly,
G. F. M.

Edmore, N. D., Aug. 22, 1914.

Packers Product Co.,
Chicago, Ill.

Dear Sirs:—I received your letter of some time

Crown Point, Ind., May 3, 1915.

Packers Product Co.,
Chicago.

Dear Sirs:—Please send three boxes of your Orchis Extract for the enclosed check of $5.00. I have nearly taken all of three boxes I received of you and they have worked wonders with me. Am more than satisfied from the benefits that I have received from their use.

Thanking you in advance.

Yours very truly,
K. L.

Stratton, Neb. June 13, 1911.

Packers Product Co.,
Chicago, Ill.

Gentlemen:—I hereby enclose $2.00 for another package of your Orchis Extract. The first month I did not see much improvement, but from this months treatment I am feeling so much better that I feel justified to continue the treatment.

Yours truly,
W. L. L.

Portsmouth, Ohio, Nov. 24, 1915.

Packers Product Co.,
Chicago

Dear Sirs:—Enclosed find $2.00 for which please send me another box of Orchis Extract. Regarding the good that I am deriving from it, I can say that it bears out your claims in every particular and I am improving wonderfully. I think a few more boxes will be all that I will need.

Yours respectfully,
W. H. D.

Everett, Wash., June 12, 1914.

Packers Product Co.,

452 United States of America }
Northern District of Illinois }

IN THE UNITED STATES DISTRICT COURT.

Fred Leach, doing business as Organo Product Company.
—*vs*—
William B. Carlile, postmaster } No. 1078

Lee D. Mathias, being first duly sworn deposes and says that the attached document is a true and correct copy of the Answer of the Defendant in Cause no. 1050, in said Court, which was referred to in the Bill of Complaint herein.

LEE D. MATHIAS.

Subscribed and sworn to before me this 18th day of Sept. A. D. 1919.

LOUIS J. VICTOR,
Notary Public.

453 IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA,

For the Northern District of Illinois,

Eastern Division.

Fred Leach, Doing business as Packers Product Company.
v.
William B. Carlile, Postmaster. } In Equity No. 1050.

ANSWER OF DEFENDANT, WILLIAM B. CARLILE, POSTMASTER.

Now comes the defendant, William B. Carlile, Postmaster, by Charles F. Clyne, United States Attorney, and presents this as his answer to the bill of complaint heretofore filed in the above entitled suit, and for answer to said bill says:

First. That this defendant has no knowledge or information as to whether or not Fred Leach, doing business under the name and style of the Packers Product Company, is a citizen of the state of Illinois and a resident in the city of Chicago, Illinois, but requires a strict proof to be made there-

of, but this defendant admits that he is a citizen of the state of Illinois and a resident of the city of Chicago, Illinois, and is the duly appointed and qualified postmaster of the city of Chicago in the state of Illinois and in charge of the United States post office in said city, and as such postmaster has exclusive management of the post office in said city of the receipt and disbursement of mail received at said city through the United States mails.

Second. This defendant neither admits nor denies that the matters in controversy in this suit exceed, exclusive of interest and costs, the sum of Three Thousand Dollars, or that the controversy in question arises under the Constitution and the laws of the United States and requires strict proof thereof, but this defendant admits that the matters and things involved in said proceeding arise under the postal laws of the United States.

454 Third. This defendant further answering says that he has no knowledge or information except as set forth in the bill of complaint as to whether or not the complainant was on the seventeenth day of December, 1917, and for many years prior thereto, engaged in the business under the name and style of the Packers Product Company in the city of Chicago, Illinois, and that the business of the said complainant, under the name and style of Packers Product Company, was that of selling a substance known as "Orchis Extract," nor that said Orchis Extract is a remedy useful for the treatment of nervous weakness, general debility, sexual decline or weakened manhood, or persons suffering from nervous weakness, nor as to the manner or substance of said preparation known as Orchis Extract, nor as to whether or not said preparation is known under divers scientific names in various countries, as set forth in complainant's bill of complaint, nor whether or not the firm of Burroughs, Wellcome and Company, pharmaceutical manufacturers of England, set forth in their catalogue and other publications, advertise said preparations as Didymin, or whether said catalogue or other publications contain the quotations set out in complainant's bill of complaint, nor whether Parke Davis and Company, pharmaceutical manufacturers of Detroit, Michigan, in their catalogue and other advertisements, described said preparation as Orchitic Substance Dessicated, nor whether or not such publications contained the quotation set out in complainant's bill of complaint, nor whether or not said substance is manu-

factured by Armour and Company and other large packers and by numerous pharmaceutical manufacturers in the United States and other countries, nor whether said substance is carried by druggists for use in filling prescriptions, nor whether or not it is indicated in leading works on materia medica as a medicine to be used with reference to said ailments; that said defendant denies that said Orchis Extract has for many years been known as a useful and effective remedy in the treatment of physical disorders enumerated in complainant's bill of complaint, nor whether or not said complainant has built up a large and extensive business in the sale of Orchis Extract for the treatment of said physi-
455 cal disorders, nor whether or not said complainant has received in connection with said business letters, registered packages and large sums in the nature of checks, drafts, United States money orders and money through the United States mail, nor whether or not said business has grown to an extent that the receipts of said complainant average the sum of Ten Thousand Dollars per year; this defendant denies that said business is a legal and legitimate business conducted according to business and legal methods, and is founded largely and almost exclusively, upon the propositions that the said Orchis Extract is a useful and successful remedy in treating, curing, benefitting and remedying persons suffering from said physical disorders; this defendant admits that the said complainant caused to be published and circulated Exhibits "A," "B," and "C," as set forth in the bill of complaint, but denies that the matters and things so set forth in said Exhibits "A," "B" and "C," are true but alleges that said Exhibits "A," "B" and "C" contain many misrepresentations and untruths, and this defendant further admits that the said complainant has caused said Exhibits "A," "B" and C," to be sent through the United States mail, but this defendant says he has no knowledge whether or not checks, drafts, money orders, or money have been received and delivered through the United States mail to the said complainant under the name and style of the Packers Product Company, nor whether or not the complainant has received letters from hundreds of persons who have used said remedy (Orchis Extract) for physical disorders as set forth in complainant's bill of complaint, but as to all of the things now herein admitted or specifically denied, this defendant demands that satisfactory proof be made thereof.

Fourth. This defendant further answering admits that the Solicitor of the Post Office Department, W. H. Lamar, caused to be addressed and mailed to the Packers Product Company the letter set out in complainant's bill of complaint, and that with said letter the memoranda recommending the issuing of a citation to show cause why a fraud order should not be issued, set out in complainant's bill of complaint,
456 was duly enclosed, which said memoranda was signed by John W. Nash, Assistant Attorney to the Solicitor for the Post Office Department, and that there was also contained in said letter so transmitted copies of the United States statute referring to the controversy in question, that, thereafter, on January 11, 1918, the complainant caused to be filed with the Honorable Solicitor of the Post Office Department at Washington, D. C., his answer to the citation, as set forth in complainant's bill of complaint, and also that the affidavits of Dr. John G. Gill, and Dr. James L. Church accompanied said answer, together with Exhibits "A" "B," "C" and "D," but this defendant denies that the communication of W. H. Lamar, Solicitor, dated December 17, 1917, and that said memoranda set out in complainant's bill of complaint, and the said Exhibits "A," "B," "C" and D," and the answer of the complainant to the citation was all the evidence and matter and things presented to and considered by the Postmaster General at the hearing upon the said citation whereby a fraud order was issued by the Postmaster General against the complainant herein, but says that in addition to said matter, so alleged to be presented to the Postmaster General, there was the deposition of Dr. Edward H. Reede, a copy of which said deposition is hereto attached and marked Exhibit "A," also an analysis made by Dr. Samuel Palkin of the Department of Agriculture, Washington, D. C., a copy of which said analysis is hereto attached and marked Exhibit "B," also the Note on Orchitic Substances compiled by L. F. Kebler, Chief, Division of Drugs, Bureau of Chemistry, Department of Agriculture, Washington, D. C., a copy of which siad note is hereto attached and marked Exhibit "C," also the communication of W. A. Puckner, Phar. D., Secretary of the American Medical Association, relating to the administration of testicle preparations, also the communication of F. M. Bell, Chemist for Armour & Company, Chicago, Illinois, relating to the therapeutic value of the glandular substance, a copy of each of which said communications is hereto at-

tached and marked respectively Exhibit "D" and Exhibit "E," and other evidence ready to be produced at the
457 hearing hereof, and this defendant denies that the Postmaster General arbitrarily signed, addressed and caused to be delivered to the said defendant, as Postmaster of Chicago, Illinois, the fraud order set out in complainant's bill of complaint, and herein complained of, and this defendant further admits that in compliance with the said fraud order of the Postmaster General he has refused and still refuses to deliver any mail addressed to the complainant herein under the name and style of the Packers Product Company, and has refused to pay postal money orders drawn to the order of the complainant as said Packers Product Company, and admits that until the ninth day of May he caused the remitter of said postal money orders to be informed that the payment thereof had been forbidden, but that since the ninth day of May, by order of court, he has held said mail in the post office at Chicago, Illinois, until he receives further and other direction by the court in said matter. This defendant further admits that in compliance with the United States statute he caused the words, "Fraudulent Mail to this address returned by order of the Postmaster General" to be stamped upon such letters, so received by him, after receiving the fraud order from the Postmaster General until on or about the ninth day of May, at which time he ceased to stamp said letters and is holding them subject to further order of this honorable court; that this defendant has no knowledge or information as to the nature of the contents of such mail, so received and now held by him. This defendant further admits that under the fraud order issued by the Postmaster General against said complainant he refused and still refuses to deliver mail or letters to the said complainant. This defendant further denies that the order of the Postmaster General was not based on any evidence tending to prove the charges preferred in the said memoranda, and denies that the opinion was based solely on Exhibits "A," "B" and "C" set forth in complainant's bill of complaint, and that said order and opinion of the Postmaster General was based on ample
458 and sufficient evidence, as heretofore set forth and referred to in this, the defendant's answer. This defendant further denies that the said complainant is not now, or ever has been known as Harry J. Houghton, but alleges the fact to be that the said Fred Leach has held himself out to be Harry J. Houghton.

Fifth. This defendant further denies that the said complainant has not been engaged in conducting a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, as set forth in said memoranda, and denies that there was not evidence presented or considered by the Postmaster General prior to the issuing of the fraud order, and this defendant denies that the representations made by the complainant respecting Orchis Extract in Exhibits "A," "B" and "C" are true in substance and in fact, and states that said Exhibits "A," "B" and "C" contain misrepresentations and contain many untrue statements. This defendant further denies that the said complainant conducted his said business truthfully in the honest belief that said Orchis Extract was a valuable and successful remedy for the treatment of said physical disorders without any intention to cheat, wrong or defraud any person or persons whatsoever. This defendant further states that he has no knowledge or information other than set forth in complainant's bill of Complaint whether complainant has received letters from persons who have used said treatment. This defendant further denies that the United States statutes involved have any application whatever to the complainant's business, and denies that there was no fraud, deceit, deception, or misrepresentation of any kind practiced by him, and further denies that the said order of the said Postmaster General is without any authority at law and deprives the complainant of his property without due process of law in violation of the Constitution of the United States, but alleges the fact to be that said order was lawfully issued by the Postmaster General by and under the authority of the laws of the United States and in accordance therewith.

459 This defendant further answering avers that the determination of the question as to whether or not a fraud order should issue against the complainants was a matter solely and exclusively to be determined by the Postmaster General of the United States under the statutes in such case made and provided; that the Postmaster General has jurisdiction over the subject matter of said inquiry and of the parties thereto; that said Postmaster General acted upon evidence sufficient and satisfactory to him that each and every one of the charges contained in the said citation were sustained and proved by an ample amount of evidence; that the said fraud order was not issued through fraud or misrepresentation of

the facts and that this court is therefore without power and authority to review the findings of the said Postmaster General that said fraud orders should issue; that it nowhere appears in the bill of complaint that the said Postmaster General was guilty of abuse of his discretion in directing the issuance of said fraud order and that this court is without jurisdiction to review or in any wise modify the order of said Postmaster General. This defendant further answering denies each and every allegation of said bill of complaint not herein specifically admitted, qualified or denied, or concerning which allegation knowledge is not specifically disclaimed in this answer.

This defendant having fully answered, prays to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

W. B. CARLILE,
Defendant.

CHARLES F. CLYNE,
United States Attorney
Solicitor for Defendant.

460 EXHIBIT "B."

Subject: In the Matter of Charges that the Packers Product Company at San Diego Bldg., and 311 River St., Chicago, Ill., is engaged in conducting a scheme for obtaining money thru the mails by means of false and fraudulent pretenses.

DEPOSITION OF DR. EDWARD H. REEDE.

Date: February 1, 1918. 2:30 P. M.

Present:

Dr. Edward H. Reede, Rochambeau Apartments, Washington, D. C.

Dr. Lyman F. Kebler, Chief, Division of Drugs, Bureau of Chemistry, Dept. of Agriculture, Washington, D. C.

Dr. Kebler: Doctor, will you state your full name?

Dr. Reede: Edward Hiram Reede.

Dr. Kebler: Where do you reside?
Dr. Reede: 815 Connecticut Avenue, Washington, D. C.
Dr. Kebler: What is your profession?
Dr. Reede: Physician.
Dr. Kebler: Are you engaged in general practice, Doctor?
Dr. Reede: No, I am specializing in matters of diagnosis.
Dr. Kebler: Have you had experience as a general practicioner?
Dr. Reede: Oh, yes, I have practiced ever since 1902.
Dr. Kebler: What has been your education and experience along medical lines?
Dr. Reede: I got some medical education at Cornell University where I received the degree of A. B.; John Hopkins, medical school, and I had practical work in St. Luke's Hospital, New York City.
Dr. Kebler: State, if you please, what hospital experience you have had and what hospitals you have been and are now connected with?
461 Dr. Reede: I had an intership at St. Luke's in New York, and since being in the city here I am now attending physician to Freedmans Hospital. I was formerly pedistrician to Freedmans Hospital; formerly Professor of Children's Diseases, Howard University. That is all the hospital connection. I was medical inspector of schools here for a while, and am now connected with the Board of Children's Guardians.
Dr. Kebler: Have you written any papers or published any articles on medical subjects?
Dr. Reede: Yes, sir. I have been particularly interested in the glands of internal secretion, and have published some articles on the glands on internal secretion. I have been particularly interested in these glands with reference to the growth of children in my work as physician of the Board of Children's Guardians.
Dr. Kebler: Will you state what you mean by the internal secretion glands?
Dr. Reede: The pituitary gland; the thyroid gland; the ovary; the testicle; the adrenal, the superrenal, rather gland, and the parathyroid.
Dr. Kebler: You are, therefore, quite well acquainted with the animal product used for the treatment of disease, are you not?
Dr. Reede: Quite familiar with them. I have been using

them quite extensively with reference to the growth in children.

Dr. Kebler: What do you understand, Doctor, by the phrase: "Orchis Extract"?

Dr. Reede: I should understand by that the extract made from the gonadal substance of the male.

Dr. Kebler: You would differentiate that from the testicular material itself?

Dr. Reede: I would think the term was not adequate 462 to refer simply to testicular substance.

Dr. Kebler: Do you know who first used Orchis extract?

Dr. Reede: Brown-Sequard. He was the first to use the muscular testicular substance, which was not an extract in the true sense. It was probably a mullsified gland that was used hypodermically or intravenously, I do not know which, certainly not by mouth.

Dr. Kebler: Do you know whether favorable reports are on record relative to—based on the use of the testiculary tissue?

Dr. Reede: I know of no scientific reports.

Dr. Kebler: An examination by the Government of the Packers Products Company's compound called "Orchis Extract", gives the following results. I show you these results, Doctor, (handing paper to Doctor). The analysis indicates that these Orchis Extract tablets consist essentially of sugar of milk and orchitic animal tissue, an agency used in compressing tablets. Could such a product be administered hypodermically?

Dr. Reede: No, sir.

Dr. Kebler: Brown-Sequard, I understood you to say, was the first to administer Orchis Extract, and he administered it hypodermically.

Dr. Reede: He reports favorable results, yes, sir.

Dr. Kebler: Other favorable results had been reported during recent years by the administration of what might be called testicular extract by other observers, is that correct?

Dr. Reede: Yes, sir.

Dr. Kebler: I understood you to say that so far as you recollect no scientific observations had been made which indicate favorable results?

Dr. Reede: I am not familiar with any.

Dr. Kebler: By the use of the testicular material itself?

463 Dr. Reede: By mouth?

Dr. Kebler: Yes, sir, by mouth.

Dr. Reede: No, sir.

Dr. Kebler: I show you Government Exhibit 1, entitled "The Rising Curtain", and ask you to glance over the booklet. You have glanced over this booklet before, have you not Doctor?

Dr. Reede: Yes, sir.

Dr. Kebler: I now call your attention to certain statements appearing there in and would ask that you make such comments on same relative to the claims and representations made therein as you may care to make, beginning with part included between the crosses, on page 4, which reads as follows:

Dr. Reede: (reading) "Through the discovery and perfection of this substance, which became known as Orchis Extract." They are not offering a perfected substance here from your analysis: certainly not a perfected extract. It is simply powdered material representing the gland, not a perfected substance as an extract to start with. In the second place, the statement that 'hey are able to supply and offer to all men afflicted with Nerve Sexual troubles a true life-giving substance that will positively re-establish the functions of the nervous system and organs that depend upon these nerves to properly perform their functions, is not true.

Dr. Kebler: Explain your answer.

Dr. Reede: So far as scientific men have been able to accomplish anything in this line, they have been only able to replace lost testicular effects by transplanting a similar organ into the body or by introducing the substance into
464 the blood stream in such a way that it could circulate through what we term hormones, bringing about some repair. The hormone has never been isolated from the testicle. It probably is not present in the dried substance so far as we have been able to determine. This substance as far as evidenced does not contain the hormone of the testicle.

Dr. Kebler: Comment on the following paragraph on page 5:

Dr. Reede: On page 5 they say "The chief ingredients of this wonderful compound are those elements found in the brain, spinal cord and Orchitic Glands of the Ram, extracted, filtered under pressure, sterilized and combined with nerve and brain tonics." Apparently they are adding to the compound certain other substances derived from other sources.

"Forming a powerful tonic which is readily absorbed by the stomach and conveyed directly to the nerve centers which supply the generative organs." They have secured a product which is readily absorbed by the stomach and conveyed directly to the nerve centers. I can say that is a physiological impossibility.

Dr. Kebler: What would you say about the following on page 9, Doctor?

Dr. Reede: On page 9 they say "It has a specific influence upon the genito-urinary organs, but its general action is that of a powerful rebuilder and rejuvenator of the whole organism." I believe that statement is untrue, as well as the statement that "Pre-sinility or premature old age, is a condition which can in most cases be relieved by a careful and conscientious treatment of Orchis Extract." I do not believe that "Orchis Extract" has a special action on the glands of the reproductive organs", as here claimed.

Dr. Kebler: I wish you would make any further statements you care to make about the representation you may find in this pamphlet.

465 Dr. Reede: It is not true as stated here on page 10 "Orchis Extract, when introduced into the blood, should bring about a richer supply of blood so that the cold and shrunken parts of the body must return to vigor and vitality." I can say that that is quite impossible. On page 14, they say that "A powerful nerve building, strength giving tonic and invigorating treatment such as the Orchis Extract, is needed to assist lagging energy, strengthen the nerves that control the sexual orans, increase the circulation of blood throughout the body, and bring back to normal strength those organs that are weak." I have no doubt that such a tonic would be very desirable, but certainly could not say that Orchis Extract possesses these qualities. They say on page 15 "The only logical remedy is a general overhauling," which is a very laudable piece of advice. It is a general proposition, but I fail to see how Orchis Extract could do this as they say "No matter what organ may be weak, it seldom fails to restore it to a normal condition." That is quite a preposterous statement. On pages 16 and 17 they say, "Orchis Extract is being recommended and prescribed by leading, physicians throughout the civilized world for nervous weakness, general debility, sexual decline or weakened manhood, urinary disorders, lame-back, lack of ambition, energy and nerve force, etc. I will admit that some certain preparations of powdered testicles are

being used by many men but only as an experimental step. I fail to know of any cases where one can scientifically demonstrate that powdered testicular extract has produced such results. It must be admitted that certain nervous people under the suggestion of a new treatment have shown improvement who have not shown similar improvement under other treatments.

Dr. Kebler: Do you consider that psychic in nature?

Dr. Reede: Yes, sir, quite so. It would appeal to the natural suggestibility of mankind. It would possibly be permissible to give testicular tablets for psychic treatments in
466 connection with a hygienic regime, if one did it honestly and openly. On page 17 and 18 "Orchis Extract is a reliable compound for restoring lost vitality, renewing cell life,—". I don't think it is a reliable compound for that purpose, Further it is said that "Orchis Extract is being successfully used in cases of nervo-sexual troubles, such as nervous debility, lost manhood, night looses and undeveloped parts." I have no evidence accessible to show that it is being successfully used in that way. On pages 19 they say, among other things, "It increases the nutrition of the nervous structure and stimulates the activity." I don't think that is possible. On page 20, "Much of ill health, vital weakness and impotency can be greatly relieved by the use of Orchis Extract,—". I don't believe that either.

Dr. Kebler: I think you have read this circular, too, Doctor, which is Government Exhibit 2, entitled "Packers Product Co., manufacturers Orchis Extract For Weak Men." I would ask you to kindly read same again and state whether or not the claims and representations set forth in same could be fulfilled by the use of the tablets containing orchitic material itself?

Dr. Reede: In the first paragraph they say that "we are offering you the very best method and remedy for regaining lost sexual power." I believe that is untrue, inasmuch as we consider that lost sexual power is dependent upon either definite organic changes or very definite psychic reactions and that organic conditions due to disease or old age, are not replacable by medicine given by the mouth, and that those due to psychic conditions are only adequately handled by accepted psychic-therapeutic measures, I take very definite exception to this statement. Of course, they say that "we claim the loss of sexual power is simply an unnatural condition" which is very true, and they say "that the reproductive organs are

lying dormant and all that is necessary is to remedy that condition by applying a proper treatment which will awaken the
dormant energies to vigorous action." That whole state-
467 ment is so hazy and indefinite that it doesn't convey to
my mind any definite condition of disease. It is quite unphysiological that an organ should lie dormant in an adult, and that a proper treatment would awaken it to vigorous action. They make the following statement here "that this product is being manufactured in the most extensive laboratory of one of the largest Packing concerns in the world," and that that fact should "assure the most skeptical person that this product, we are now offering for sale, must have actual merit else this Packing firm with their world wide reputation for honesty and quality, would not, for one minute, allow this product to be sold" At present a preparation of testicular substance in tablet form is being put on the market by Armour & Company, of Chicago, and it is being used by physicians, but there is no evidence yet that those tablets have any of the merits which have been laid down in the advertising matter herewith submitted.

Dr. Kebler: I would ask that you make any other statement for the benefit of the case that would be of service in one way or another.

Dr. Reede: Those physicians of us who are working most intensively with the glands of internal secretion believe that the adult testicle possesses two distinct functions, resident in two distinct types of tissues or cells of Sertoli which are concerned in the production of the actual spermatic elements, which are concerned in re-production. This substance, which would form the major part of a powdered substance of the gland sacs, has no internal effect. The other type of tissue composed of the cells of Leydig are believed to have a secretion which is discharged within the body and which is very powderful in the growing child, which also continues to be potent in the adult in maintaining a certain integration among the ductless glands of the body, and which we believe exerts its action through an as yet unisolated substance hy-
perthetically termed hormone. This hormone very likely
468 partakes in its chemical conduct of the qualities of such
hormones as those of the thyroid gland or the super-renal gland, but no one as yet, has been able to isolate this active principle nor to apply it in any way by mouth to obtain its active effect.

Dr. Kebler: Doctor, I hand you Government Exhibit 3-A,

a copy of a letter to the Packers Product Co., by Harry B. Burke, and would ask whether the information contained in the letter suggests if anything, an abnormal condition?

Dr. Reede: It does not necessarily suggest an abnormal condition.

Dr. Kebler: Would the information contained in the letter enable a physician to make a suitable diagnosis and administer a proper treatment?

Dr. Reede: It would not.

Dr. Kebler: Is a physician able to diagnosis an ailment from the statements of the patients?

Dr. Reede: Sometimes.

Dr. Kebler: What is generally necessary for the physician to do in order to assure himself that a patient is suffering any given malady?

Dr. Reede: I had in mind in answer to your question the neurosis and psycho-neurosis, which are sometimes recognized from the patient's conversation, but a physical examination is indicated before a physician is justified in forming any opinion about a patient.

Dr. Kebler: Let me ask you this question: Supposing the patient gives the physician information through correspondence would the physician be enabled to diagnosis the patient's condition generally?

Dr. Reede: No, sir, except in very exceptional cases.

Dr. Kebler: Have you any further statement to make relative to the general impression that this form of advertising a treatment would have upon certain susceptible individuals at large?

469 Dr. Reede: Yes, I have. I have a very firm conviction that these companies do a great deal of harm, because I find in my work as a consulting physician to the municipal board having in charge all the orphans of the city, concerned particularly with boys coming through the adolescent period of life, they are very prone to develop anxieties regarding their sexual conditions shortly after puberty. To be sure it oftentimes arises from bad parental education. The fact, however, remains that their conditions works and oftentimes crystallizes into a very definite psychosis through the suggestion of reading these untruthful and unscientific advertisements. They are so subtly worded that almost any young man of 17, beginning to have physiological emissions and beginning to have physiological sexual feelings, could easily believe that he was afflicted with some ailment which will pre-

vent his attaining maturity or produce his early death. And many of these young men become incapacitated for taking up the work of an active manhood from no other cause than the anxiety neurosis which they develop from this advertising matter.

---

470 EXHIBIT "B"

DEPARTMENT OF AGRICULTURE
Bureau of Chemistry
Washington, D. C.

Address Reply
Chief, Bureau of Chemistry,
And refer to
File 149 May 19, 1917.

Chief Inspector,
Post Office Department,
Dear Sir:

In further reply to your letter of January 12, 1917, (51082-E, GFH-FJF-146 *c*) transmitting copy of a report of Inspector Angier and two additional boxes of tablets, beg to advise that an examination of the tablets labeled "Orchis Extract" gives the following results:

Moisture at 120 C	4.9%
Ash (inorganic matter)	7.3
Talcum and silicious matter,	4.8
Mixture of sodium phosphote, calcium phosphate, & potassium phosphate,	2.3
Sugar of milk,	32.25
Animal tissue of the orchitic type constitutes the remaining portion of the tablet, about	56.00

Orchis Extract Tablets therefore consist of a mixture of sugar of milk, orchitic animal tissue and agents used in compressing the tablets.

Dr. Samuel Palkin is the chemical analyst.

Accompanying the package is a circular entitled, "Packers Product Co., Manufacturers Orchis Extract for Weak Men"; a circular containing numerous testimonials, and a booklet entitled "The Rising Curtain to men of Ambition, Inspiration, Enthusiasm, Patriotism." The above printed matter

contains numerous false and misleading claims, representations and promises, of which the following are representative:

471 (Chief Inspector, P. O. D.)

Booklet entitled "The Rising Curtain":

P. 4: "Through the discovery and perfection of this substance, which became known as Orchis Extract, the science of medicine and chemistry was able to supply and offer to all men afflicted with Nervo Sexual troubles, such a Lost Manhood, Nervous Debility, Nervous Decline or Exhaustion, Lack of Power of the Reproductive Organs and Atrophy of the parts a true life-giving substance that positively will re-establish the functions of the nervous system and organs that depend upon these nerves to properly perform their functions."

P. 5: "The chief ingredients of this truly Wonderful Compound are those elements found in the Brain, Spinal cord and Orchitic Glands of the Ram, extracted, filtered under pressure, sterilized and combined with nerve and brain tonics, forming a powerful tonic which is readily absorbed by the stomach and conveyed directly to the nerve centers which supply the generative organs.

Its constituents are the natural brain and nerve foods which support life and supply nervous vigor; when these substances are drained from the blood by wrong living, vicious habits and excesses of various kinds, the Orchis Extract not only restores them, but reconstructs the cells of the organs that have been robbed of their natural pabulum."

P. 9: "It (Orchis Extract) has a specific influence upon the genito-urinary organs, but its general action is that of a powerful rebuilder and rejuvenator to the whole organism."

"Pre-senility or premature old age, it a condition which can in most cases be relieved by a careful and conscientious treatment of Orchis Extract.

Orchis Extract has a special action on the glands of the reproductive organs."

P. 10: Orchis Extract, when introduced into the blood, should bring about a richer supply of blood so that the cold and shrunken parts of the body must return to vigor and vitality; ambition will be restored by stronger and healthier nerve tissues and muscles, and relief or a cure is sure to follows."

P. 14: "A powerful nerve building , strength giving tonic

and invigorating treatment, such as the Orchis Extract, is needed to assist lagging energy, strengthen the nerves that control the sexual organs, increase the circulation of
472 blood throughout the body and bring back to normal strength those organs that are weak."

P. 15: The only logical remedy is a general overhauling. This is just what Orchis Extract does. No matter what organs may be weak, it seldom fails to restore it to a normal condition, and whatever organs are sound, it will stimulate to their full activity."

P. 16-17: "Orchis Extract is being recommended and prescribed by leading physicians throughout the civilized world for Nervous Weakness, General Debility, Sexual Decline or Weakened Manhood, Urinary Disorders, Lame Back, Lack of Ambition, Energy and Nerve Force, Sleeplessness and Rundown System. We believe it is the greatest remedy and that it has no equal. It has proven itself safe, prompt and satisfactory in hundreds of cases."

P. 17-18: "Orchis Extract is a reliable compound for restoring lost vitality, renewing cell life, resulting in restoring life, strength and development to the organs of man.

Orchis Extract is being successfully used in cases of Nervo-Sexual Troubles, such as Nervous Debility, Lost Manhood, Night Losses, and Undeveloped Parts. It is for the weak man, for the debilitated man, for every man who needs a reliable remedy to renew his life and vitality, enrich the blood, tone up the stomach and aid digestion, to soothe the nerves, to overcome vital exhaustion, to stimulate the liver and kidneys and to send new energy and new sustenance to every cell and tissue of the body. To nourish the brain, strengthen the memory and to renew life with health and strength."

P. 19: "Orchis Extract is a reliable compound for building up wasted organs and low vitality; invigorates the "Stamina", the staying power, the responsive nerve force that makes you capable of enjoying life, invigorates man's virile strength; is a reliable remedy for all Nervous Affections, Nervous Debility, Physical Weaknesses, and Functional Disorders; is a great "tissue builder." It increases the nutrition of the nervous structures and stimulates their activity."

J. 20: "Much of ill health, vital weakness and impotency,

can be greatly relieved by the use of Orchis Extract, a powerful aid to the nutrition of all the organs."

Many of the testimonials are misleading and deceptive.

Dr. L. F. Kebler is the medical expert.

Respectfully,

W. G. CAMPBELL,
Assistant Chief.

Inclosures:
Samples, (under separate cover)
Literature.

EXHIBIT "6."

473 Note On Orchitic Substances.

The use of organic substances derived from animals, reverts to a very ancient type of therapeutic. Chinese doctors whose practice represents the crystallized traditions of thousands of years, made use of animal extracts as remedies for various diseases. They employed preparations of testicles for use as a remedy for loss of virility. The orchitic material derived from the tiger was greatly in demand. The same kind of material was used by the ancient Greeks and Romans, practically for the same purpose.

Mesue (777 to 857) a Physician known to the readers of the Arabian Nights made large use of orchitic matter. This material found a place in the London Pharmacopoeia issued by the Fellows of the Royal College of Physicians in 1676, but was dropped from the list of official remedies between the 18th and 19th centuries. The art seemed to be quiescent until the time of Brown-Sequard. He supposed that the infirmities of old age were directly associated with diminished sexual power. He gave new impetus to this line of medication. Brown-Sequard and his followers recommended orchitic extract for all forms of psychoses, epilepsy, locomotor ataxia, tuberculosis, cancer, &c.

W. E. Dixon, The Practitioner, V. 66, p. 524, 1901, says, "It has, however, been suggested at one time or another, for every form of disease. In conclusion it must be confesed that there is still much to be learned concerning the action of orchitic extract". Brown-Sequard's observations were based on material injected into the system. Advocates reporting favorable results by using orchitic extracts have re-

peatedly sprung up. Very few if any reliable observations have been made by administering the tissue itself or an extract by mouth. Numerous exacting observers however have failed to confirm certain observations. It is believed that the best evidence on the stability or usefulness of a med-
474 icine is reflected by modern writers and compilers of text books. A few excerpts are submited herewith. It should be noted that the write-ups are based on extracts given and not on the tissue itself given by mouth.

"This extract has been employed by many competent physicians in several disease, often with most beneficial results. It is a powerful tonic, especially in the decrepit subject of old age or exhaustion from wasting disease, as it stimulates the tissues and organs to renewed activity and endows the body with greater strength and with a feeling of increased well-being. It has been used in general adynamia, anemia, atonic gastro-intestinal affections, scurvy, malaria, epilepsy, cancer, mymphomania, perverted sexual habits, impotence, neurasthenia, hysteria, melancholia, diabetes, tuberculosis, hemiplegia, paralysis, agitans and locomotor ataxia. In the last-named disease this remedy has shown the best results obtained therewith; and under its administration the characteristic pains have ceased, steadiness and accuracy of motion have increased, and in some cases the ataxia has wholly disappeared. Many of the results observed have been ascribed to mental suggestion, but after the application of check experiments in similar cases the weight of evidence was found to be in favor of the remedy."

Dr. S. O. L. Potter, Materia Medica, Pharmacy and Therapeutics, 9th, ed. 1902, pp. 162.

This writer's enthusiasm has materially subsided, judging from the information contained in the 12th edition of his publication.

"This extract has been employed by many physicians in several diseases, often with beneficial results. It is claimed to be a powerful tonic, expecially in the decrepit subject of old age or exhaustion from wasting disease, as it stimulates the tissues or organs to renewed activity and endows the body with greater strength and with a feeling of increased well-being. It has been used in general adynamia, anemia, atonic gastro-intestinal affections, scurvy, malaria, epilepsy, cancer, numphomania, perverted sexual habits, impotence, neurasthenia, hysteria, melancholia, diabetes, tuberculosis,

hemiplegia, paralysis, agitans and locomotor ataxia, with more or less benefit according to the report of its administrators, * * * Later clinical results have not confirmed the claims made for it, and it is now rarely used in medicine."

Dr. S. O. L. Potter, Therapeutics, Materia Medica and Pharmacy, 12th, ed. 1913, p. 132.

"The hypodermic injection of an extract from the recent testicles of mammals was found by Brown-Sequard to have a stimulating effect upon nutrition, and to be especially active as a restorative in failing nutrition due to old age, Dr. H. P. Loomis, of New York, found that the injections, "as claimed, produce nutritive modifications in the tissues of elderly men, due probably to stimulation of the nerve-centers. In tuberculosis, this substance has also been recommended. * * * In hysteria, on the contrary, little or no good has resulted from the injections. They were also found in-
475 efficient in epilepsy, * * * Brown-Sequard claimed that testicular fluid had been used with decided advantage in about 100 cases of cancer, in nearly all of which cessation of pain and haemorrhage and cicatrization of ulcers demonstrated the efficacy of the method which he advocated."

Dr. John V. Shoemaker, Materia Medica and Therapeutics, 7th ed. 1908, p. 205.

"This discovery was exploited in so sensational a manner that the whole subject was in danger of falling into discredit. While the somewhat extravagant claims of the discoverer must be considerably discounted, numerous independent observers have shown by the ergograph that it causes a marked increase (15% to 20%) of power for voluntary muscular work."

Dr. Torald Sollman, Text Book on Pharmacology and some allied Sciences, 2nd ed. 1908, pp 303-304.

"Testicular extract was first recommended by Brown-Sequard as a rejuvenator and has been used more or less since although without any apparent effect."

Dr. Maurice V. Tyrode, Pharmacology, the Action and Uses of Drugs, 1908, p. 130.

"The first attempts to consciously utilize the internal secretion of the testicle were made by Brown-Sequard in 1889, who reported remarkable results from the subcutaneous injection of testicular extract. They were said to increase bodily and mental vigor to have a favorable regulating influence upon the intestines, etc. Many other reports have been pub-

lished along these lines, but they have little scientific value; many of the results claimed were evidently due to suggestion. Recent scientific literature contains few references to testicular extracts."

Dr. Frank Billings, Forchheimer's Therapeusis of Internal Diseases, V. 1, 1906, p. 115.

"In recent years numerous extracts of animals organs have been introduced into therapeutics, but with the exception of the preparations of the suprarenal, pituitary, and thyroid glands, they have proved disappointments. The theory on which many of these have been evolved, shows little advance upon the belief of the savage that the courage of the lion may be acquired by eating the animal's heart, and the clinical observations which have been cited to support their use, have generally been of an equally primitive order. * * Probably no more fruitful source of quackery exists than in the exploitation of these so-called remedies, and among them all the extracts of the testicles and ovaries stand preeminent; introduced by Brown-Sequard, in 1889, on insufficient observations, the testicular extract has been employed as a sort of panacea which among other qualities, restored to age the fire and vigor of youth. All accurate observations agree that this extract is entirely devoid of value in therapeutics.

476 The indiscriminate and haphazard use of these organ-extract in every sort of disease had not let to any progress in the past, and will hardly be more successful in the future."

Dr. Arthur R. Cushny, Pharmacology and Therapeutics or the Action of Drugs, in Health and Disease, 6th ed. 1915, pp. 384, 385.

"Brown-Sequard was of opinion that subcutaneous injection of testicular extracts has the effect of producing a bodily and even more a mental rejuvenation, and he ascribed this to the occurrence in such extracts, of certain principles, which are taken up into the blood, and through this act upon the nervous system. He supposed that similar principles are produced also in the ovaries, but to a less extent. The results he announced, have not, however, been obtained by others who have tested the physiological effects of such extracts and the views he enunciated have not obtained general assent, although certain observers claim to have obtained pos-

itive effects on the growth and development of young castrated animals, and also of immature entire mammals."

Dr. Edward A. Schaffer, "The Endocrine Organs." 1916, Page 136.

"The employment of testicular juice, or the dried gland itself, has been practically abandoned."

Dr. H. A. Hare, Practical Therapeutics, 15th ed. 1914, p. 272.

"In 1889 Brown-Sequard announced that he had personally experienced remarkable rejuvenating effects from injections of the extract of the testicle of rabbits. * * More or less favorable results of this treatment have been reported, but in no instance has the good achieved been so decided as to convince a judicious observer that it was not due to mental suggestion rather than to the physiologic activity of the drug itself. So few have been convinced of the efficiency of the remedy that it has already been practically abandoned."

A. D. Stevens, Modern Materia Medica and Therapeutics, 5th ed. 1916, p. 345.

W. A. Bastedo, Materia Medica, Pharmacology and Therapeutics, 1915. (Nothing on subject)

H. C. Wood, 1908, H. C. Wood, Jr. 1912, Therapeutics, Its Principles and Practice, Nothing on Subject.

Finley Ellingwood, New American Materia Medica Therapeutics and Pharmacology, 1915, Subject briefly referred to under "Harmones" p. 40.

Geo. F. Butler, Materia Medica and Therapeutics, 6th ed. Nothing on subject.

A. M. A. New and Nonofficial Remedies. Nothing on subject.

From the information available it is clearly evident that no reliable investigations have been made or data are avail-
477 able dealing with the use of orchitic material itself, in the treatment of disease administered by the mouth.

(signed) L. F. KEBLER

EXHIBIT "D"

American Medical Association
Council on Pharmacy and Chemistry

C. L. Alsberg, A.M., M.D., Bureau of Chemistry, U. S. Department of Agriculture.
J. A. Capps, A.M., M.D., Rush Medical College, University of Chicago.
David L. Edsall, A.B., M.D., Sc.D., Harvard Medical School of Harvard University
R. . Hatcher Ph.G., M.D., Cornell University Medical College
John Howland, M.D., John Hopkins University, Department of Medicine.
Reid Hunt, M.D., Harvard Medical School of Harvard University
Henry Kraemer, Ph.D., Philadelphia College of Pharmacy
J. H. Long, M.S., Sc.D., Northwestern University Medical School
F. G. Novy, Sc.D., M.D., Dept. of Medicine and Surgery, University of Mich.
O. T. Osburne, M.D., Yale University, Department of Medicine.
W. A. Puckner, Phar.D., Secretary, Chemical Laboratory American Medical Association
G. H. Simmons, M.D. LL.D., chairman Editor Journal American Medical Association
Torald Sollmann, M.D., Western Reserve University, Medical Department.
Julius Stieglitz, Ph.D., Sc.D., Vice-Chairman, Kent Chemical Laboratory University of Chicago.
M. I. Wilbert, Ph.M., Phar.D. Hygienic Laboratory, U.S.P.H.S.
H. W. Wiley, Ph.D., M.D.

Corresponding Members:
A. R. Cushny, A.M., M.D., F.R.S. Professor of Pharmacology, University of London, England.
Professor Dr. H. Thoms, Direktor d. Pharmaceutischen Instituts d. Universitaet Berlin, Sieglitz, Germany.
Professor Dr. W. Heubner, Direktor d. Pharmakologischen Instituts d. Universitaet Goettingen, Goettingen, Germany.

536 North Dearborn Street, Chicago, June 3, 1914.

Attention of Mr. *F.* M. Bell.

Armour and Company,
Chicago, Ill.

Gentlemen:—

In reply to your letter of June 2nd I wish to inform you that it was the opinion of the Council that, although the
478 testicle is an internal secretion of great importance, there is practically no evidence that the administration of any testicle preparation (orchic Substance) has any beneficial effects in any condition. While at one time the Council described testicle (orchic Substance) in New and Nonofficial Remedies on the basis that there preparations were in the experimental stage and that for this reason definite, reliable preparations should be made available to the medical profession, the Council decided in 1911 to omit testicle preparations

from New and Nonofficial Remedies altogether. It is certainly entirely without warrant on the basis of available evidence, to claim that any preparation of testicle (orchic substance) is a rejuvenator and restorer of lost manhood.

Yours truly,

(Signed) W. A. PUCKNER.

WAP/BD

479 EXHIBIT "E"

The
Armour
Laboratory
Chicago
Pepsin Department

Armour and Company
General Offices, Union Stock Yards
Chicago, Illinois

May 21, 1914.

Mr. A. B. Stratton,
Law Department,
Fifth Floor.

Referring to the Packers Product Co.: I cannot find upon investigation that we have ever sold these people any goods. If they are handling anything manufactured by Armour & Company, they are evidently buying from jobbers.

So far as the Orchic substance is concerned: This is a product that we manufacture for the medical profession and the drug trade. We do not advertise it, as careful search by medical men has failed to reveal any therapeutic value in the glandular substance.

It is barely possible that the Packers Product Co. is buying Orchic substance from some wholesale drug house. That doesn't give the concern any reason for making preposterous claims about the medicinal value of Orchis Aries Extract, nor does it give the concern the right to bamboozle the ignorant and credulous by the use of Armour & Company's name.

If this Packers Product Co. is controlled by the same man that has operated under other names, he finds that Armour & Company's name is worth more as an advertisement than anything else in his circulars, etc.

I think this Packers Product Co. is controlled by a man named Huebner, who has operated under the names Smith & Parker, and Green & Thomas, etc.

Respectfully,

ARMOUR & CO.
F. M. BELL.

480 And on to-wit: the 23rd day of October, 1919, came the complainant herein by his attorneys and filed in the Clerk's office of said Court his certain motion in words and figures following, to-wit: Filed 23,

481 United States of America
Northern District of Illinois } ss

IN THE UNITED STATES DISTRICT COURT

For the Northern District of Illinois,

Eastern Division.

Fred Leach, doing business as Organo Product Company,
—*vs*—
William B. Carlile, Postmaster. } No. 1278

Comes now the complainant, by Mathias & Sullivan his solicitors, and moves the court to enter an order herein restraining the defendant from carrying out the order of the Postmaster General set forth in the Bill of Complaint herein and directing the said defendant to deliver to the complainant under the name and style of Organo Product Company, all mail matter heretofore and hereafter received at the Post Office in Chicago, addressed to the Organo Product Company, until the further order of the court.

MATHIAS & SULLIVAN
Solicitors for Complainant.

(Endorsed) Filed Oct. 23-1919, John H. R. Jamar, Clerk.

482 And, to-wit: the 23rd day of October, 1919, being one of the days of the regular October term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Kenesaw M. Landis, District Judge, appears the following entry, to-wit:

483 United States of America }
Northern District of Illinois }

IN THE UNITED STATES DISTRICT COURT

For the Northern District of Illinois,

Eastern Division.

Fred Leach, doing business as Organo Product Company,
—*vs*—
William B. Carlile, Postmaster. } No. 1278

ORDER

This cause coming on to be heard upon the sworn Bill of Complaint, and the affidavit of Lee D. Mathias, filed in this cause on the 13th day of October, A. D. 1919, and upon the motion of the complainant for a temporary injunction, and upon the motion of the defendant to dismiss the Bill of Complaint herein, and the court having heard read the said sworn Bill of Complaint and the said affidavit of Lee D. Mathias, and having heard the argument of counsel with respect to said motions, and being fully advised in the premises, it is ordered, adjudged and decreed that the said motion of the complainant for an injunction be, and the same is hereby over-ruled and denied, and that the said Bill of Complaint be and it is hereby dismissed for want of equity, to which order and decree of the court in over-ruling said motion for injunction, the complainant duly excepts, and to which order and decree of the court in dismissing said Bill of Complaint the complainant duly excepts.

And this cause coming on further to be heard upon the
484 petition of the complainant herein, for an appeal to the United States Circuit Court of Appeals, from the foregoing order, denying the said motion for an injunction and from the foregoing order dismissing the said Bill of Complaint, it is ordered, that the said appeal be and the same is hereby allowed upon the complainant filing herein his appeal bond in the penal sum of Two hundred fifty ($250.00) dollars, to be approved by the court within thirty (30) days from this date.

It is further ordered that the order heretofore entered in this cause directing the defendant herein to hold in his possession all mail addressed to the complainant under the name and style of Organo Product Company be continued in full force and effect until the further order of this court, or the order of the United States Circuit Court of Appeals.

Enter:

KENESAW M. LANDIS
Judge.

485 And on to-wit: the 23rd day of October, 1919, came the complainant herein by his attorneys and filed in the Clerk's office of said Court his certain Petition for Appeal, in words and figures following, to-wit: Filed 23,

486 United States of America
Northern District of Illinois } ss

IN THE UNITED STATES DISTRICT COURT

For the Northern District of Illinois,

Eastern Division.

Fred Leach, doing business as Organo Product Company,
—*vs*—
William B. Carlile, Postmaster. } No. 1278

Comes now the complainant by Mathias & Sullivan, his solicitors and shows to the court that manifest error intervenes in the records and proceedings of this cause, as is more fully set forth in the Assignment of Error filed herewith, wherefore your petitioner prays for an appeal from the order and decree entered in this cause, denying the motion of the complainant herein for a temporary injunction, and dismissing the Bill of Complaint herein for want of equity, to the United States Circuit Court of Appeals, for the Seventh Circuit.

MATHIAS & SULLIVAN
Solicitors for Complainant.

(Endorsed) Filed Oct. 23-1919, John H. R. Jamar, Clerk.

487 And on to-wit: the 23rd day of October, 1919, came the complainant herein by his attorneys and filed in the Clerk's office of said Court his certain Assignment of Errors, in words and figures following, to-wit:

488 United States of America }
Northern District of Illinois } ss

IN THE UNITED STATES DISTRICT COURT
For the Northern District of Illinois,
Eastern Division.

Fred Leach, doing business as Organo Product Company,
—*vs*—
William B. Carlile, Postmaster. } No. 1278

ASSIGNMENT OF ERRORS.

Comes now the complainant, by Mathias & Sullivan, his solicitors and shows to the court that manifest error intervenes in the records and proceedings of this cause in the following respects, to-wit:

1. The court below erred in over-ruling the motion of the complainant herein for a temporary injunction, as prayed for in the Bill of Complaint.

2. The court below erred in not entering an order herein granting to the complainant the temporary injunction as prayed for in the Bill of Complaint and in the motion of complainant filed herein.

3. The court below erred in dismissing the Bill of Complaint in this cause for want of equity.

4. The court below erred in dismissing the Bill of Complaint in this cause.

MATHIAS & SULLIVAN
Solicitors for Complainant.

(Endorsed) Filed Oct. 23-1919, John H. R. Jamar, Clerk.

489 And on to-wit: the 23rd day of October, 1919, came Fred Leach doing business as Organo Product Co., as principal and Royal Indemnity Company of New York, as surety, and filed in the Clerk's office of said Court, in said entitled cause, a certain Bond on Appeal in words and figures following, to-wit:

490 Know All Men by These Presents, That We, Fred Leach, doing business as Organo Product Company, and Royal Indemnity Company of New York of the County of Cook and State of Illinois, are held and firmly bound unto William B. Carlile, Postmaster, also of the same County and State, in the penal sum of Two Hundred and Fifty ($250.00) Dollars, lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly, severally and firmly, by these presents. Filed 23.

Witness Our Hands and Seals, this 23rd day of October A. D. 1919.

The Condition of the Above Obligation Is Such, That Whereas, the said William B. Carlile, Postmaster, did, on the 23rd day of October, A. D. 1919, in the United States District Court, for the Northern District of Illinois, Eastern Division, and of the October Term thereof, A. D. 1919, recover a judgment against the above bounden, Fred Leach, doing business as Organo Product Company, denying his motion for an injunction and dismissing his Bill of Complaint, in a certain cause, No. 1278, therein pending, wherein the said Fred Leach was complainant, and the said William B. Carlile was defendant, besides costs of suit; from which said judgment of the said United States District Court for the Northern District of Illinois, the said Fred Leach, doing business as aforesaid has prayed for and obtained an appeal to the United States Circuit Court of Appeals for the Seventh Circuit.

Now, Therefore, if the said Fred Leach, doing business as Organo Product Company, shall duly prosecute his said Appeal with effect, and moreover pay the amount of costs, interests, and damages rendered and to be rendered, against him in case the said judgment shall be affirmed in said United States Circuit Court of Appeals, then the above obligation to be void, otherwise to remain in full force and virtue.

FRED LEACH (Seal)
..... (Seal)
ROYAL INDEMNITY COMPANY (Seal)
by DONALD M. WOOD (Seal)
Attorney in fact (Seal)

Approved this ..... day of October, A. D. 1919.

K. M. LANDIS,
Judge.

(Endorsed) Filed Oct. 23-1919, John H. R. Jamar, Clerk.

491 And on to-wit: the 23rd day of October, 1919, there was filed in the Clerk's office of said Court a certain Stipulation, in words and figures following, to-wit:

492 United States of America
Northern District of Illinois } ss

IN THE UNITED STATES DISTRICT COURT

For the Northern District of Illinois,

Eastern Division.

Fred Leach, doing business as Organo Product Company,
—*vs*—
William B. Carlile, Postmaster. } No. 1278

STIPULATION

It is hereby stipulated by and between the parties to the above entitled cause that in preparing the transcript of record for appeal of this cause, to the United States Circuit Court of Appeals, the clerk of this court, with respect to any document or documents which are contained in the exhibits to the Bill of Complaint herein, more than one time, may insert such document or documents once in said transcript and wherever they appear again the clerk of this court may, by apt language, refer to such document or documents, that have been so copied in said transcript, as being a copy or copies of the document or documents referred to in said exhibits.

MATHIAS & SULLIVAN
Solicitors for Complainant.
CHARLES F. CLYNE,
Solicitor for Defendant.

(Endorsed) Filed Oct. 23-1919, John H. R. Jamar, Clerk.

493 Northern District of Illinois } ss.
Eastern Division }

I, John H. R. Jamar, Clerk of the District Court of the United States for the Northern District of Illinois, do hereby certify the above and foregoing to be a true and complete transcript of the proceedings had of record in the cause entitled Fred Leach, doing business as Organo Product Company, complainant, vs. William B. Carlile, Postmaster, defendant, in Equity No. 1278, as the same appears from the original records and files thereof, now remaining in my custody and control.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at my office, in the City of Chicago, in said District, this 25th day of October, A. D. 1919.

JOHN H. R. JAMAR
Clerk.

(Seal)

cem- 1919. IN THE UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

Fred Leach, doing business as Organo Product Company
—*vs*—
William B. Carlile, Postmaster
} No. .....

STIPULATION

It is hereby stipulated that in printing the Transcript of Record in the above entitled cause, there may be omitted from such printed transcript the following documents:—

1. Exhibit "L", to the Bill of Complaint.
2. The affidavit of Lee D. Mathias, and the answer attached to said affidavit.

The said documents, not being necessary to consider in the determination of this cause, as the subject matter thereof is otherwise contained in the record in this cause.

MATHIAS & SULLIVAN
Attorneys for Plaintiff.
CHARLES F. CLYNE
Attorney for Defendant.

(Endorsed) Filed Dec 30 1919 Edward M. Holloway, Clerk

United States Circuit Court of Appeals for the Seventh Circuit.

I, Edward M. Holloway, Clerk of the United States Circuit Court of Appeals for the Seventh Circuit, do hereby certify that the foregoing printed pages, numbered from 1 to 288, inclusive, contain a true copy of the printed record, printed under my supervision and filed January 29, 1920, on which this cause was argued, heard and determined in the case of Fred Leach, Doing Business as Organo Product Company, Appellant, vs. William B. Carlile, Postmaster, Appellee, No. 2772, October Term, 1919, as the same remains upon the files and records of the United States Circuit Court of Appeals, for the Seventh Circuit.

In testimony whereof I hereunto subscribe my name and affix the seal of said United States Circuit Court of Appeals for the Seventh Circuit, at the City of Chicago, this twenty-eighth day of July A. D. 1920.

[Seal of the United States Circuit Court of Appeals, Seventh Circuit.]

EDWARD M. HOLLOWAY,
Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.

At a regular term of the United States Circuit Court of Appeals for the Seventh Circuit, begun and held in the United States courtroom, in the city of Chicago, in said seventh circuit, on the seventh day of October, 1919, of the October term, in the year of our Lord one thousand nine hundred and nineteen, and of our Independence the one hundred and forty-fourth.

And afterwards, to-wit: On the seventh day of November, 1919, in the October term last aforesaid, came the Appellant, by his counsel, Mr. Lee D. Mathias and Mr. P. W. Sullivan, and filed in the office of the Clerk of this Court their appearance, which appearance is in the words and figures following, to-wit:

United States Circuit Court of Appeals for the Seventh Circuit.
October Term, 1919.

No. 2772.

Fred Leach, Doing Business as Orango Product Co.,

vs.

Wm. B. Carlile.

The Clerk will enter my appearance as counsel for the appellant.

LEE D. MATHIAS.
P. W. SULLIVAN.

Endorsed: Filed Nov. 7, 1919. Edward M. Holloway, Clerk.

And afterwards, to-wit: On the thirtieth day of December, 1919, in the October Term last aforesaid, there was filed in the office of the Clerk of this Court a certain Stipulation as to printing the record, which said Stipulation is not copied here, as the same appears on page 288 of the printed record certified herewith.

And afterwards, to-wit: On the seventeenth day of February, 1920, in the October term last aforesaid, there was filed in the office of the Clerk of this Court a certain Notice, which said Notice is in the words and figures following, to-wit:

NORTHERN DISTRICT OF ILLINOIS,
Eastern Division:

United States Circuit Court of Appeals for the Seventh Circuit.

No. 2772.

FRED LEACH, Doing Business as Orango Product Company,
Appellant,

vs.

WILLIAM B. CARLILE, Postmaster, Appellee.

To Mathias & Sullivan, Solicitors for Appellant,
1626 Conway Building, Chicago, Illinois:

Please take notice that I shall, on the 17th day of February, 1920, at the opening of court, or as soon thereafter as counsel can be heard, appear before the court and move the court to vacate the order heretofore entered in the above-entitled cause on the 20th day of August, 1919; at which time and place you may appear if you see fit.

CHARLES F. CLYNE,
United States Attorney.

Received a copy of the above notice this 16th day of Feb., 1920.

MATHIAS AND SULLIVAN.

Endorsed: Filed Feb. 17, 1920. Edward M. Holloway, Clerk.

And afterwards, on the same day, to-wit: On the seventeenth day of February, 1920, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

Tuesday, February 17, 1920.

Court met pursuant to adjournment and was opened by proclamation of crier.

Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Hon. George T. Page, Circuit Judge.
Edward M. Holloway, Clerk.
John J. Bradley, Marshal.

Before:

Hon. Francis E. Baker, Circuit Judge.
Hon. Samuel Alschuler, Circuit Judge.
Hon. George T. Page, Circuit Judge.

2772.

FRED LEACH, etc.,

vs.

WILLIAM B. CARLILE, Postmaster.

Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division.

Now this day comes the appellee, by his counsel, and presents a motion that the order of August 25, 1919 be vacated and the Court having heard the same, It is now here ordered that the said motion be and the same is hereby denied.

And it is further ordered that this cause be, and the same is hereby set down for hearing on March 10, 1920.

And afterwards, to-wit: On the eighth day of March, 1920, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

Monday, March 8, 1920.

Court met pursuant to adjournment.

Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Hon. George T. Page, Circuit Judge.
Edward M. Holloway, Clerk.

Before:

Hon. Evan A. Evans, Circuit Judge.

2772.

FRED LEACH, etc.,
vs.
WM. B. CARLILE, Postmaster, etc.

Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division.

It is ordered by the Court that this cause be, and the same is hereby re-set down for hearing on March 11, 1920.

And afterwards, to-wit: on the eleventh day of March, 1920, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

Thursday, March 11, 1920.

Court met pursuant to adjournment and was opened by proclamation of crier.

Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Hon. George T. Page, Circuit Judge.
Edward M. Holloway, Clerk.
John J. Bradley, Marshal.

Before:

Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Hon. George T. Page, Circuit Judge.

2772.

FRED LEACH, etc.,
vs.
WILLIAM B. CARLILE, Postmaster, etc.

Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division.

Now this day come the parties by their counsel and this cause now comes on to be heard on the printed record and briefs of counsel and on oral arguments by Mr. Lee D. Mathias, counsel for appellant, and by Mr. John A. Nash and Mr. James R. Glass, counsel for appellee, and the Court having heard the same takes this matter under advisement.

And afterwards, to-wit: on the twenty-seventh day of April, 1920, in the October term last aforesaid, there was filed in the office of the Clerk of this Court the Opinion of the Court in the words and figures following, to-wit:

In the United States Circuit Court of Appeals for the Seventh Circuit, October Term, 1919, April Session, 1920.

No. 2772.

FRED LEACH, Doing Business as Organo Product Company, Appellant,

vs.

WILLIAM B. CARLISLE, Postmaster, Appellee.

Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division.

Before Alschuler, Evans, and Page, Circuit Judges.

Appellant Fred Leach, under the name of "Packers Product Company," was engaged at Chicago in the business of selling an alleged remedy for sexual weakness and disorders in men which he called "orchic extract," consisting of dried and powdered sheep's testicles made into tablet form, and was advertised, sold and remitted for through the United States mails. In 1917 he was called upon by the Postmaster General to show cause why a fraud order should not be issued against Packers Product Company for conducting a scheme for obtaining money through the mails by false and fraudulent pretenses, etc., contrary to Section 3929 and 4041 of the Revised Statutes as amended.* A hearing was had, and

*"§ 3929. The Postmaster-General may, upon evidence satisfactory to him * * * that any person or company is conducting any * * * scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post office at which registered letters arrive directed to any such person or company, * * * to return all such registered letters to the postmaster at the office at which they were originally mailed, with the word "Fraudulent" plainly written or stamped upon the outside thereof; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe. * * *"

(Act Sept. 19, 1890, c. 908, § 2 amended.)

(Act March 2, 1895.) "The powers conferred upon the Postmaster-General by the statute of eighteen hundred and ninety, chapter nine hundred and eight, section two, are hereby extended and made applicable to all letters or other matter sent by mail."

"§ 4041. The Postmaster-General may, upon evidence satisfactory to him that any person or company is engaged in conducting any * * * scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, * * * and may provide by regulation for the return to the remitters of the sums named in such money orders. * * * "

on April 4, 1918, the fraud order issued. Thereupon Leach filed a bill to restrain the postmaster at Chicago from holding and returning mail pursuant to the order. Upon the hearing of that cause, the district court denied the injunction and dismissed the bill. Thereupon Leach abandoned the name "Packers Product Company," and adopted that of "Organo Product Company," and made some changes in his advertising matter, and began marketing the same product, calling it "organo tablets," transacting the business through the mails as before.

Proceedings were instituted to have this use of the mails declared a scheme to defraud under the statutes, and for a supplemental fraud order as to mail of Organo Products Company. Another hearing was had in which there was a full presentation of the issues. The ground covered by the former hearing was again gone over, but far more elaborately. The Postmaster General found that this was a scheme to defraud by use of the mails, and supplemental fraud order was issued accordingly. Thereupon the bill in chancery herein was filed wherein it is alleged that the product in question is one of great merit as a remedy for such ills, that plaintiff practiced no fraud and did not use the mails to that end, and asking that the Postmaster at Chicago be restrained from holding and disposing of the mail as prescribed in the fraud order. The bill set forth a transcript of all the proceedings (including the evidence) before the Postmaster General, and a statement of what transpired in the district court in the first suit there. Leach moved for a temporary injunction, and the government for a dismissal of the bill for want of equity appearing on its face. The court denied the injunction and dismissed the bill, and Leach brings this appeal.

Opinion by Alschuler, Cir. J.

The question which this record presents is, whether upon the facts before him the Postmaster General was legally warranted in the exercise of the large discretion which in such matters the statutes repose in him, through making the order complained of.

The issue which was there most warmly contested was that of the merit of animal testicular substances as a remedy for sexual and nervous disorders. Much evidence was adduced upon this, and many authorities cited, pro and con. By many it is maintained that they are utterly without merit, particularly when administered by the mouth, as this is, and not hypodermically as is often the case; and it was contended for the government that such remedies in general, and particularly when so administered, are so manifestly wanting in merit that any representations to the contrary are essentially fraudulent. On the other hand, it was contended, and some evidence tended to show, that such substances, administered as this is, have proved more or less beneficial in some of such ailments.

Search for some clime or condition or spring or substance which would arrest human decay, and restore manly strength and vigor is coeval with love of life and strength, and dread of decay and death. Whether wholly or partly predicated on superstitution, or fact, or both, the thought is as old as the hills, that to partake by way of food or otherwise of certain parts of animals will produce beneficial effect in the corresponding part in man,—the brain, the heart, the stomach, and notably the testicles. There has long been more or less prevalent the practice of resorting to the testicles of animals as an article of food or medication for prolonging, restoring or augmenting manly strength and sexual power. Among some it is believed that the lion, the tiger, the bull and other animals of great strength are the most efficacious in this regard. The ram also has had favorable mention. In recent years scientific investigations have been conducted, with more or less beneficial result, respecting the employment of animal substances in the treatment of human ailments. Pepsin from stomachs is employed to treat some stomach troubles in persons; extracts from animal thyroid glands are used for human thyroid ailments; and other instances might be cited. Some decades since Dr. Brown-Sequard, a noted French neurologist, conducted a series of experiments on himself with hypodermic administration of animal testicular lymph, as to which he reported a very considerable degree of success; and his writings on the subject gave impetus to further experiments, and the use of such preparations in the treatment of sexual disorders and shortcomings.

Considerable literature is extant upon the subject, and it appears that some physicians employ such remedies, and that many others decry their use. For some time back such substances have been made in considerable quantities, and the very testicular product in question is made and sold at least by one of the large packers, and by a number of the extensive manufacturers here and abroad, to supply any public demand for it. Under the record facts the most that could be said is that doctors and others who might reasonably be supposed to possess expert knowledge upon the subject, disagree as to whether or not such substances heve any remedial virtue.

It was not the design of these statutes to vest the Postmaster General with authority to determine between contradictory views held in apparent good faith, upon a subject the merits or demerits of which may fairly be said to be a matter of opinion among those who ought to know. American School of Magnetic Healing v. McAnnulty, 187 U. S. 94. It would follow that if the order herein is sustainable only upon the inefficacy and absolute want of remedial virtue of the substance which appellant sells, the injunction should have issued.

But any so-called remedy, however meritorious, may in its exploitation become the subject matter of fraud. Indeed it is too often seen that articles to which more or less merit is popularly ascribed, are made a basis or vehicle to carry the grossest frauds, serving only to lend semblance of good faith to the scheme.

That modesty or prudery, or whatever else it may be called, which puts a ban on frank and unrestricted reference to human sexual parts, and enfolds their mention and consideration in secrecy and

shame, has given quacks and charlatans a most fruitful field for operation, of which they have not been slow to take advantage. Sometimes boldly, but often by suggestion and innuendo, they undertake to make all men believe they have symptoms of most serious sexual disorders, when, in truth, they are more often perfectly normal; and that the natural subsidence of virility (which is generally quite as certain as the flight of years), will be arrested, and the victim restored to the vigor of robust youth, and that all sexual troubles will be corrected, if only that particular nostrum be taken, or that plan persistently followed. He who would operate in this peculiar field of endeavor must have a special care that his scheme is not calculated to instil in men unfounded fears, or inspire in them false hopes as a means to the end of obtaining their money.

The plan for publicity for such remedies usually comprises literature which treats entertainingly, if not always scientifically or even truthfully, of the sexual parts, points out symtoms and dangers, and has something to say of premature decay, loss of power, etc., etc. And then the proposed remedy, which is given some high sounding name, but which is usually some ordinary and easily obtainable substance, is invitingly put forth as a certain cure for conditions which in most instances require no treatment, and in most others are beyond it. There is ordinarily a warning against quacks and cheats (who are intimated to be all the other workers in the same vineyard) and there is the quite unexceptional accompaniment of glowing testimonials from grateful users.

Careful perusal of the literature put out by appellant to effect the sale of his tablets induces the conclusion that it does not differ materially from the old-time stuff. It is perhaps somewhat more carefully composed, with the evident purpose of avoiding some of the more glaring misrepresentations present in that which brought about the first fraud order. But the general purport is the same.

It consists in the main of a quite lengthy introductory letter, enclosing a closely printed twenty-page booklet. The letter expresses the belief of "Organo Products Co." that they offer "the very best method and remedy for regaining lost sexual power." The reader is then informed that the alluring advertisements of others who offer treatment for such ailments are intended to make every one who reads them fearful of his condition. The intent is evidently to impress the reader with the complete absence of such intent on the part of this concern, the psychological effect of which apparent frankness being probably the more greatly to impress the reader with the startling statements thereafter made. It is further said in the letter that after middle age the sexual powers gradually decline, but in the booklet it is stated that "nature intended man to retain all his powers and faculties unimpaired to an advanced age." The letter then discusses somewhat, sexual weaknesses, with another assertion of honest belief that "Organo tablets" will do more than any other remedy to effect a cure. A short disquisition follows on the use of extracts from animal glands as human remedies, particularly the thyroid glands, of which probably the public has more or less general information, and then it is asserted that "Organo tablets are based on the

same theory or scientific principle." The letter closes with a request to read the booklet, and the suggestion that the reader "waste no further experiments, but order a course of our treatment, and we give every assurance that you will be more than pleased with its results."

The outside front cover of the booklet is occupied with the large-type legend "Are You 100% Efficient. The present time requires energy and endurance," and inside this cover page the reader is warned in black-face letters that "To be ambitious and Succeed in Life, your Nervous System must be Well and Strong, your Blood must be full of Vigor and Vitality. You must have a Bright Mind and Full Control of all your Faculties. But if you are Discouraged, Gloomy, Irritable and have a worn out Nervous System, then, each day only adds to your Misery."

The object of the booklet is stated to be to "explain to men of mature age a treatise of a private nature, which we believe will be of interest to you, even though you may not at the present time be in need of same." This introduction is of course calculated to induce those who have read thus far, eagerly to peruse the rest of it. It is arranged under attractive, large-type headings, such as "Neurasthenia," "Organotherapy," "The gauge which most accurately marks presenility or premature old age," "Prove to yourself what the blood can do," "What a wonderful sensation," "Physical decline—its causes and consequences—no man is exempt," "Appearance no indication of health and manly power," "Any man is liable to be weak," "Do not let false pride stop you from being cured," "First law of nature," "Sexual power is seldom lost," "Relation of nerves to bodily functions," "Organo tablets supply missing elements," "Organo tablets a logical remedy," "Work with nature's laws," "What manly strength is," "Reserve nerve force," concluding with the admonition "Be fair with yourself," under which last head the reader is urged to frankly ask himself "Do I need it," and is solemnly adjured not to "overestimate" his condition, but to give himself "the benefit of what Organo tablets can accomplish" as "a powerful aid to the nutrition of the organs," followed by the usual assurance that it contains no "mineral or poisonous products," and that it "fully agrees and lives up to the latest Pure Food and Drug Act," again assuring the reader that this is "no fake medical company, no C. O. D. scheme, no fake guarantees, no free trial treatments, no frauds or humbugs in any form"; and in other parts caution is urged against "patent medicines, no cure no pay, electrical belts and appliances, etc.," although the evidence discloses that some years before a similar order was lodged against Leach for exploiting a glass vacuum developer of male sexual parts. Under each of these subject heads there is duly presented a detailed and amplified discussion of the proposition stated.

In order to attest the excellence of testicular extracts it is asserted that it "is being recommended and prescribed by leading physicians throughout the civilized world," but to convince the reader that, aside from physicians, he must resort to appellant alone to obtain this

"nature's wonderful remedy," it is stated that it is "not regularly on the market," and would have it inferred that these tablets have ingredients and qualities peculiar to themselves, and that appellant alone can supply them, in stating that "Organo tablets are prepared in accordance with our orders," and again, "We tell you frankly that this product and wonderful remedy is being compounded for us in one of the largest and best laboratories of the world," etc.; the fact being that it is a product which this manufacturing concern (and others as well) prepares, in nowise different in ingredients and qualities than are these tablets, and sells them to all comers just as it would make and sell quinine capsules, pepsin tablets and other preparations, infinite in variety, and having much or little merit, for which there may be demand.

But whatever may be the remedial merit of testicular substances, their most ardent partisans do not begin to justify the extravagant and unfounded claims which the booklet makes, among these, "Presenility or premature old age * * * can in most cases be relieved or deferred by careful or conscientious treatment with Organo tablets." "If everything on earth has failed you a short trial of Organo tablets will show you results which should more than repay you for the small investment required. Do not wait till it is too late. We will help you if you believe in a good common sense method and honest treatment." "We cannot look into our bodies and see the organs work, therefore at times it is even difficult to apply the correct treatment, unless it be a logical remedy, such as Organo tablets." When he finds that nature must have assistance he will use a full course of Organo tablets and store up a reserve fund of nerve force." "Organo tablets are a reliable preparation for building up wasted organs and low vitality." "Its general action is that of a powerful rebuilder and rejuvenator." "The timely use of organo tablets for a reasonable length of time, seldom fails in invigorating the functions of the body, bringing about tissue repair, so that those parts that are weak, are strengthened and restored to their normal condition." "There are in America to-day millions of men between 17 and 65 years of age who are earnestly seeking relief from sexual weakness in some form or stage." "Every year hundreds of thousands are added to the already long list of men who suffer from lack of manly strength." "A powerful nerve building, strength giving tonic and invigorating treatment such as Organo Tablets is needed to assist lag-ing energy, strengthen the nerves that control the sexual organs, and bring back to normal strength those organs that are weak." "Testicular extract is prescribed by leading physicians throughout the civilized world for Nervous Weakness, General Debility, Sexual Decline or Weakened Manhood, Urinary Disorders, Lame Back, Lack of ambition, energy and nerve force, Sleeplessness, and Run Down System." "Organo Tablets are not an experiment * * * are a reliable preparation for building up wasted organs and low vitality; increases the 'stamina,' the staying power, the responsive nerve force that makes you capable of enjoying life, invigorates man's virile strength; a reliable treatment for all Nervous Affections, Nervous Debility, Physical Weakness, and Functional Disorders."

The record does not warrant the conclusion that even appellant believed such broad assertions, nor that he was a physician or a scientist, or had conducted experiments or investigations; and it does not appear that he had basis for any belief whatever on the subject. The assertion of special and peculiar merit for "organo tablets" over and above testicular products by any other name or style, is wholly without basis in fact. In this particular field, with its narrow limitations, and its possibilities at best involved in uncertainty and doubt, there would be manifest difficulty in preparing advertising matter which avoids grossly extravagant and unwarranted representations. But this very difficulty, far from justifying such departure would impose on those who glean in it, and would extract profit out of the exploitation of such articles, special care to see that what is so put forth is not calculated to deceive and defraud the public.

We are of opinion that this record not only fails to show that the Postmaster General had no warrant in law for his order, but that on the contrary, it shows there was abundant ground for it.

The decree of the District Court is

Affirmed.

A true Copy.
Teste:

Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.

And afterwards, on the same day, to-wit: on the twenty-seventh day of April, 1920, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

Tuesday, April 27, 1920.

Court met pursuant to adjournment and was opened by proclamation of crier.

Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Hon. George T. Page, Circuit Judge.
Edward M. Holloway, Clerk.
John J. Bradley, Marshal.

Before:

Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Hon. George T. Page, Circuit Judge.

2772.

FRED LEACH, Doing Business as Organo Product Company,

vs.

WILLIAM B. CARLILE, Postmaster.

Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, Eastern Division, and was argued by counsel.

On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby affirmed.

And afterwards, to-wit: on the twenty-fourth day of May, 1920, in the October term last aforesaid, there was filed in the office of the Clerk of this Court a certain Notice, which said Notice is in words and figures following, to-wit:

In the United States Circuit Court of Appeals for the Seventh Circuit.

No. 2772.

FRED LEACH, Doing Business as Organo Product Company,

vs.

WILLIAM B. CARLILE, Postmaster.

Notice.

Honorable Charles F. Clyne,
Solicitor for Appellee:

You are hereby notified that on Monday, the 24th day of May, A. D. 1920, we shall, before the Honorable United States Circuit Court of Appeals, for the Seventh Circuit, at the opening of court, pray an appeal, in the above entitled cause, to the United States Supreme Court.

MATHIAS & SULLIVAN,
Solicitors for Appellant.

Received a copy of the foregoing notice, this 21st day of May, A. D. 1920.

CHAS. F. CLYNE,
Solicitor for Appellee,
By NULLE.

Endorsed: Filed May 24, 1920. Edward M. Holloway, Clerk.

And afterwards, on the same day, to-wit: on the twenty-fourth day of May, 1920, in the October term last aforesaid, there was filed in the office of the Clerk of this Court a certain Petition for Appeal, which said Petition for Appeal is in the words and figures following, to-wit:

In the United States Circuit Court of Appeals for the Seventh Circuit.

2772.

FRED LEACH, Doing Business as Organo Product Company,

vs.

WILLIAM B. CARLILE, Postmaster.

Comes now the appellant by Mathias & Sullivan, his solicitors, and shows to the court that manifest error intervenes in the records and proceedings in this cause, as is more fully set forth in the Assignment of Error filed herewith. Wherefore, your petitioner prays for an appeal from the order and decree affirming the judgment of the court below, to the Supreme Court of the United States.

MATHIAS & SULLIVAN,
Solicitors for Appellant.

Endorsed: Filed May 24, 1920. Edward M. Holloway, Clerk.

And afterwards, on the same day, to-wit: on the twenty-fourth day of May, 1920, in the October term last aforesaid, there was filed in the office of the Clerk of this Court a certain Assignment of Errors, which said Assignment of Errors is in the words and figures following, to-wit:

In the United States Circuit Court of Appeals for the Seventh Circuit.

No. 2772.

FRED LEACH, Doing Business as Organo Product Company,

vs.

WILLIAM B. CARLILE, Postmaster, etc.

Assignment of Errors.

Comes now the Appellant, by Mathias & Sullivan, his solicitors, and shows to the court that manifest error intervenes in the records and proceedings in this cause, in the following respects, to-wit:

1. The United States Circuit Court of Appeals erred in affirming the judgment of the court below.

2. The United States Circuit Court of Appeals erred in not reversing the judgment of the court below.

3. The United States Circuit Court of Appeals erred in not reversing the judgment of the court below and directing that an order for an injunction issue as prayed for in the Bill of Complaint.

4. The United States Circuit Court of Appeals erred in not reversing the judgment of the Court below and directing the entering of a decree as prayed for in the Bill of Complaint.

MATHIAS & SULLIVAN,
Solicitors for Appellant.

Endorsed: Filed May 24, 1920. Edward M. Holloway, Clerk.

And afterwards, on the same day, to-wit: on the twenty-fourth day of May, 1920, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

Monday, May 24, 1920.

Court met pursuant to adjournment.

Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. Samuel Alschuler, Circuit Judge.
Hon. George T. Page, Circuit Judge.
Edward M. Holloway, Clerk.

Before:

Hon. Samuel Alschuler, Circuit Judge.

2772.

FRED LEACH, Doing Business as Organo Product Company,

vs.

WILLIAM B. CARLILE, Postmaster.

Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division.

Now this day come the parties by their counsel, and Mr. Lee D. Mathias, counsel for appellant, now presents a petition for appeal to the Supreme Court of the United States and an assignment of errors.

On consideration whereof, It is now here ordered that an appeal be, and is hereby allowed in this cause to the Supreme Court of the United States upon the filing and approval of a bond in the sum of $500.00.

And afterwards, to-wit: On the twenty-first day of June, 1920, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

Monday, June 21, 1920.

Court met pursuant to adjournment.

Present:

Hon. Samuel Alschuler, Circuit Judge, presiding.
Hon. George T. Page, Circuit Judge.
Edward M. Holloway, Clerk.

Before:

Hon. Samuel Alschuler, Circuit Judge.

2773.

FRED LEACH, Doing Business as Organo Product Company,

vs.

WILLIAM B. CARLILE, Postmaster.

Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division.

Now this day comes the appellant in this cause and files his bond pursuant to the order of this Court entered in this Court on May 24, 1920, which said bond is hereby approved, and is in the words and figures following, to-wit:

No all men by these presents, That we, Fread Leach, doing business as Organo Product Company, and Royal Indemnity Company of New York, of the County of Cook and State of Illinois, are held and firmly bound unto William B. Carlile, Postmaster, of the same County and State, in the penal sum of Five Hundred ($500.00) Dollars, lawful money of the United States, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors and administrators jointly, severally and firmly by these presents.

Witness our hands and seals this 17th day of June A. D. 1920.

The condition of the above obligation is such, That Whereas, the said William B. Carlile, Postmaster, did on the 27th day of April, A. D. 1919, in the United States Circuit Court of Appeals for the Seventh Circuit, and of the October term thereof, A. D. 1919, recover a judgment against the above bounden Fred Leach doing business as Organo Product Company, affirming the judgment and decree of the United States District Court for the Northern District of Illinois, in a certain cause wherein the said Fred Leach was complainant and the said William B. Carlile was defendant, besides costs of suit, from which said judgment of the said United States Circuit Court of Appeals for the Seventh Circuit, the said Fred Leach doing business as aforesaid, has prayed for and obtained an appeal to the United States Supreme Court.

Now, therefore, if the said Fred Leach doing business as Organo Product Company, shall duly prosecute his said appeal with effect, and moreover pay the amount of costs, interest and damages rendered and to be rendered, against him in case the said judgment shall be affirmed in said United States Supreme Court, then the above obligation to be void, otherwise to remain in full force and effect.

FRED LEACH. [SEAL.]
ROYAL INDEMNITY COMPANY. [SEAL.]
By C. W. FRENCH,
Attorney-in-fact.

O.K. 6/21/20.
CHARLES F. CLYNE.
J.N.G.

Approved:
SAMUEL ALSCHULER,
Judge.

United States Circuit Court of Appeals for the Seventh Circuit.

I, Edward M. Holloway, Clerk of the United States Circuit Court of Appeals for the Seventh Circuit, do hereby certify that the foregoing typewritten and printed pages, numbered from 1 to 21, inclusive, contain a true copy of the proceedings had and papers filed (except the Stipulation filed December 30, 1919, which appears on page 288 of the printed record certified herewith, and the briefs of counsel) in the case of Fred Leach, Doing Business as Organo Product Company, Appellant, vs. William B. Carlile, Postmaster, Appellee, No. 2772, October Term, 1919, as the same remains upon the files and records of the United States Circuit Court of Appeals, for the Seventh Circuit.

In testimony whereof I hereunto subscribe my name and affix the seal of said United States Circuit Court of Appeals for the Seventh Circuit, at the City of Chicago, this twenty-eigtth day of July, A. D. 1920.

[Seal of the United States Circuit Court of Appeals, Seventh Circuit.]

EDWARD M. HOLLOWAY,
Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.

UNITED STATES OF AMERICA, *ss:*

The President of the United States to William B. Carlile, postmaster, Greeting:

You are hereby cited and admonished to be and appear at the Supreme Court of the United States to be holden at Washington within thirty days from the date hereof, pursuant to an appeal filed

in the Clerk's Office of the United States Circuit Court of Appeals for the Seventh Circuit wherein Fred Leach doing business as Organo Product Company is appellant and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant as in the said appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Samuel Alschuler, United States Circuit Judge, this 21st day of June, in the year of our Lord one thousand nine hundred and twenty.

SAMUEL ALSCHULER,
U. S. Circuit Judge.

[Endorsed:] No. —. United States Circuit Court of Appeals, Seventh Circuit. Fred Leach doing business as Organo Product Company, vs. Wm. B. Carlile, Postmaster. Citation.

On this 12th day of July, in the year of our Lord one thousand nine hundred and twenty, personally appeared Louis J. Victor before me, the subscriber, a Notary Public in and for the County of Cook and State of Illinois and makes oath that he delivered a true copy of the within citation to William B. Carlile, Postmaster.

Sworn to and subscribed the 12th day of July A. D. 1820.

[Seal Lee D. Mathias, Notary Public, Cook County, Ill.]

LEE D. MATHIAS,
Notary Public.

Endorsed on cover: File No. 27,805. U. S. Circuit Court Appeals, 7th Circuit. Term No. 448. Fred Leach, doing business as Organo Product Company, appellant, vs. William B. Carlile, postmaster. Filed July 14th, 1920. File No. 27,805.

Office Supreme Court, U. S.
FILED
OCT 20 1921
WM. R. STANSBURY
CLERK

IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1920.

No. [redacted] 105

FRED LEACH, doing business as Organo Product Company,
Appellant,

vs.

WILLIAM B. CARLILE, Postmaster,
Appellee.

APPEAL FROM CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

BRIEF FOR APPELLANT.

LEE D. MATHIAS,
P. W. SULLIVAN,
Solicitors for Appellant.

BARNARD & MILLER PRINT, CHICAGO.

IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1920.

No. 448.

FRED LEACH, doing business as Organo Product Company, Appellant, vs. **WILLIAM B. CARLILE, Postmaster,** Appellee.	Appeal from Circuit Court of Appeals for the Seventh Circuit.

BRIEF FOR APPELLANT.

STATEMENT OF CASE.

MAY IT PLEASE THE COURT:

This is an appeal from a final order of the United States Circuit Court of Appeals for the Seventh Circuit affirming an order of the District Court for the Northern District of Illinois, dismissing the bill of complaint for want of equity and overruling a motion of the complainant below for a temporary injunction as prayed in the bill of complaint. (Rec., 281, 282.)

The cause was heard by the District Court upon the motion of the complainant for a temporary injunction and upon the motion of the defendant to dismiss the bill of complaint, and that court overruled and denied the complainant's motion and dismissed the bill of complaint upon the defendant's motion. (Rec., 282.)

There were no pleadings in the case except the bill of complaint, the exhibits thereto attached, the affidavits in support thereof, the motion of complainant for a temporary injunction, and the motion of the defendant to dismiss the bill of complaint.

The bill of complaint prayed for an order of injunction restraining the defendant from carrying out and executing a so-called fraud order of the Postmaster General.

The record discloses the following facts: The complainant was engaged in business under the firm name of ORGANO PRODUCT COMPANY, the business being that of selling a substance known as Organo Tablets which are composed of orchitic substance desiccated as its principal ingredient held together by sugar of milk as a binder. These tablets are useful, beneficial and effective for the treatment of nervous weakness, general debility, sexual decline, or weakened manhood, and for persons suffering from nervous disorders. Orchitic substance desiccated is prepared from the testicles of animals and in common parlance is known as testicular extract and is one of the remedies developed during the last twenty-five years by scientists who have made a study of the ductless glands in remedial medicine, and who have developed the science of Organotherapy. This substance is manufactured by the leading pharmaceutical manufacturers of the world, and is known under divers scientific names; in England as didymin, in Germany as testikulin, in Switzerland as sequarin, in Russia as spermin, in Italy as orchipina, in France as orchitin, and in the United States as orchic substance and also by other names. The firm of Burrows, Welcome & Co., the leading pharmaceutical manufacturers of England, in their catalogue and other publications advertise it as "didymin (testicular substance)," and publish concerning it the following: "This substance has been used in premature senility, neurasthenia, locomotor ataxia and

sterility." Parke, Davis & Co., of Detroit, in their catalogue and other advertisements of their products describe it as "orchic substance, desiccated," and in such publications say with reference thereto: "Indications: neurasthenia, diabetes, hypertrophic prostatitis, impotence, hysteria, hystero-epilepsy, and as a aphrodisiac. Beneficial effects have been observed in eczema, psoriasis, and obesity. Dose, one to five grains is the usual initial dose, to be increased *pro re nata.*" The substance is also manufactured by Armour & Co., and other large packers and by numerous pharmaceutical manufacturers in the United States and other countries, and is carried by druggists for use in filling prescriptions and is indicated in leading works on materia medica as a medicine to be used with reference to the aforesaid ailments, and has been known for many years as a useful, beneficial and effective remedy in the treatment of such physical disorders. (Rec., 3, 4.)

The record further shows that the appellant had built up a large and extensive business in selling said substance for the treatment of such physical disorders, and has received in connection therewith through United States mail large sums of money exceeding five thousand ($5,000) dollars per year. (Rec., 4.) The bill alleges "that said business is a legal and legitimate business conducted according to business and legal methods and opinion and is founded largely and almost exclusively upon the proposition that the said orchic substance is a useful, beneficial and successful remedy in treating, curing, benefiting and remedying persons suffering from said physical disorders; that hundreds of persons who have purchased said substance from your orator have been greatly benefited or cured of such physical disorders by the use thereof." (Rec., 4.) The record further shows that in the sale of said substance the appellant used four advertisements,

viz: a booklet entitled, "Are You 100 Per Cent Efficient?" (Rec., 12), a letter (Rec., 13), a printed copy of testimonials (Rec., 15), and an order blank (Rec., 17), and that the matters and things stated and set forth in said advertising matter are true. (Rec., 5.)

The record further shows that in April, 1919, the solicitor for the postoffice department issued a citation to the complainant to show cause why a supplemental fraud order should not be issued against the appellant (Rec., 19-21); that an answer was made to such citation in writing (Rec., 21-28), and the matter came on for hearing upon the said citation and answer on May 20, 1919 (Rec., 50), when evidence was heard in support of the citation and in support of the answer, all of which is attached to the bill of complaint as exhibits, and made a part thereof.

The bill of complaint further alleges that notwithstanding the fact that the charges made by the Postmaster General were shown by the evidence to be untrue, and notwithstanding the fact that there was no evidence presented to the Postmaster General tending to prove that the said charges were true, the Postmaster General under date of August 15, 1919, arbitrarily signed, addressed and caused to be delivered to the postmaster at Chicago a communication forbidding him to pay any postal money order drawn to the order of the Organo Product Company and directing him to inform the remitter that the payment of such postal money order had been forbidden and that the amount thereof will be returned upon the presentation of the original order or duplicate thereof, etc., and directing the postmaster to stamp all such mail with the words "Fraudulent, mail to this address, returned by order of Postmaster General," and return the same to the senders, etc.

The charges contained in the momorandum recommending the issuance of said citation were to the effect that the

appellant was conducting a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises, in violation of Sections 3929 and 4041 of the Revised Statutes as amended, by leading "persons to believe *that by the use of Organo Tablets lost manhood can be restored irrespective of the cause of the trouble or the condition of the patient;* whereas, in truth and in fact, as said party well knows, the use of said preparation will not bring about said results, but the said party so represents for the sole purpose of obtaining the aforesaid remittances." (Rec., 20, 21.) There was no evidence whatever to support this charge.

The bill further alleges "that the said order of the said Postmaster General is not based upon any evidence tending to prove the charges preferred in said memorandum, but is based solely upon the opinion of the said Postmaster General, that the said Organo Tablets did not bring about the results set forth in the aforesaid Exhibits A, B and C (which are copies of said advertising matter), which said opinion is not supported by scientific authority, but on the other hand is erroneous; your orator further alleges that the said order of the said Postmaster General is merely a matter of opinion on the part of the said Postmaster General." (Rec., 9.)

The bill further alleges that the complainant had not been engaged in conducting a scheme for obtaining money through the mails by means of false and fraudulent pretenses, representations and promises as set forth in said memorandum, *and that he never represented that lost manhood could be restored irrespective of the cause of the disability or the condition of the patient as set forth in said memorandum,* and that there was no evidence whatever presented to or considered by the Postmaster General prior to issuing the aforesaid fraud order tending to show that the complainant made such representations,

that the only representations made by the complainant with respect to said Organo Tablets were those contained in said advertising matter and that the said representations are true in substance and in fact, and that the business of complainant has been conducted truthfully in the honest belief that the said Organo Tablets are a valuable and successful treatment for said physical disorders and without any intention to cheat, wrong or defraud any person, and that the complainant had received hundreds of letters from persons who have used said treatment setting forth and confirming the opinion of complainant that the said Organo Tablets are a valuable and successful treatment for the aforesaid purposes. The bill of complaint also contains allegations of irreparable injury and prayed for an injunction *pendente lite* and for a permanent injunction to restrain the execution of said fraud order. (Rec., 10, 11.)

The record further shows that prior to the time the complainant was engaged in business under the firm name of Organo Product Company he was doing business under the firm name and style of Packers Product Company, selling the same substance under the name of Orchis Extract (Rec., 21, 22), and using as advertising matter a booklet entitled "The Rising Curtain" (Rec., 250), a letter (Rec., 251), and a printed copy of testimonials (Rec., 255); that a fraud order was issued by the Postmaster General with respect to said business and a bill for injunction filed by appellant in the court below to restrain the execution of that fraud order, that an answer was filed to that bill of complaint (Rec., 257), and that matter then came on for hearing upon the bill and answer and affidavits before his Honor Francis E. Baker, sitting as a judge of the District Court, and that Judge Baker after hearing arguments of counsel, rendered the following memorandum opinion (Rec., 22):

"Guided by the teachings in the case of *School of Magnetic Healing* v. *McAnnulty*, 187 U. S. 94, at pages 104-107, inclusive, it seems clear to me that the question of efficacy of orchic extract would be a matter of opinion, quite like those differences of opinion between the allopathic and homeopathic schools of medicine respecting the efficacy of their divergent remedies, if the complainant in his booklet had confined himself within the range of opinion of those members of the medical profession who have experimented with and used testicular extracts. But on pages four and five of the advertising booklet appear declarations of positive and actual results which go beyond the recognized opinion. In other parts of the book I find statements which seem to evince a willingness on the part of the complainants to misrepresent or at least to permit the reader to deceive himself respecting the size and character of complainant's place of business. I also note that the complainant has taken for the name of his product the generic name which the medical profession applies to all testicular substances, and thereby gives the impression that the complainant's substance is the one which has been used and prescribed by physicians generally. These latter matters I take as merely corroborative of the essential misrepresentations of the positive and actual results obtained by the use of the complainant's compound.

I therefore find that there was a basis in the record before the Postmaster General on which the order may be sustained and that it is beyond any proper exercise of judicial power to nullify the order on the ground that nothing was involved except expression by the complainant of a *bona fide* opinion which he was justified in holding.

"The defendant's motion to dismiss the bill is sustained." (Rec., 22-23.)

After rendering this opinion an arrangement was made between court and counsel in that case by which the order dismissing the bill was not to be entered until counsel for complainant had an opportunity to go to Washington to endeavor to adjust the matter with the Postmaster

General. (Rec., 23-26.) In the discussion with respect to that arrangement his Honor Judge Baker said:

> "Pretty close case, pretty narrow foundation there to sustain this order on. I think it is sustainable and I am compelled to sustain it, but the product itself is not like the syrup of figs and some other things that were held to be fraudulent in and of themselves, where a man is representing he is getting out syrup of figs and there is no syrup of figs in it. It isn't anything of that sort. It is dealt in by reputable firms like Armour, and Parke, Davis. The only way I am sustaining the Postmaster General is on these places where I have found the man has stated positively things that go beyond any justifiable range of opinion as expressed in the medical authorities in his favor. Of course, there are medical authorities the other way, among them the fellow who was before the Postmaster General and who says the whole thing is bunk. He can have an opinion the other way to come within the *McAnnulty* case. If he didn't go any further than the physicians who entertain opinions on his side, saying that the medical science justified it, but because he did go beyond that I am declining to set aside the Postmaster General's order. I may be mistaken about it. The question is close enough." (Rec., 25.)

Pursuant to the arrangement made with court and counsel for the government, counsel for appellant went to Washington and discussed the situation with the solicitor for the Postoffice Department and his assistants, and while counsel for appellant was not successful in obtaining the mail addressed to the Packers Product Company, there was discussed and pointed out the objection to the advertising matter of the Packers Product Company, and counsel for appellant stated to the solicitor of the Postoffice Department and his assistants that all objectionable parts of the advertising matter of the Packers Product Company would be eliminated from future advertising, that the name of the company would be changed to Organo Product Company, and that pictures of the stock-

yards would be eliminated from the advertising. (Rec., 26.)

Subsequently the complainant started into business again under the name of Organo Product Company, changed his advertising so as to eliminate all the objections that had been suggested in the trial of the case before Judge Baker, and by the attorneys for the Postoffice Department and the Government, and continued to engage in his business in a lawful and legitimate manner and to use the United States mails for that purpose until the fraud order was issued, the execution of which the complainant is seeking to enjoin in the present proceedings. (Rec., 26, 27.) Such new advertising matter before it was printed for the complainant was submitted to members of the medical profession and approved by them from a medical standpoint of view and to legal counsel and approved by them so far as the law was concerned. (Rec., 26, 27.)

Attached to the bill of complaint and made a part thereof are numerous exhibits containing all the evidence considered by the Postmaster General, all of which exhibits were before the Postmaster General and a part of which are the following: Two affidavits of Dr. James L. Church, a physician practicing in Chicago since 1905, to the effect that he is familiar with the standard works on the subject of Materia Medica and Therapeutics, and that such works recognize orchitic substance as a useful and effective remedy in the treatment of nervous disorders and sexual weakness and that he is of the opinion that orchitic substance is a useful and effective remedy for nervous disorders and sexual weakness and that he has read the booklet entitled, "Are You 100 Per Cent Efficient?" found on page 12 of the record, and that in his opinion the matters and things stated in said booklet are true in substance and in fact. (Rec., 29.) On pages 30-50 of the record are

copies of letters, omitting the signatures, of numerous persons re-ordering said remedy and stating that they have been benefited by the treatment. The originals of these letters were submitted at the hearing before the Postmaster General for verification as to the correctness of the copies. These testimonials were all unsolicited and were made volutnarily by persons who had been benefited by the treatment and who wished to continue it. On pages 223-241 of the record are condensed reports of seventy (70) physicians residing in seventy (70) different cities who have treated their respective patients with Organo-Therapeutic Compounds containing orchitic substance, and who report great improvement in the condition of the patient or cures of various ailments, including neurasthenia and sexual weakness.

The pioneer work of Brown-Sequard, the eminent French physiologist, in administering to himself extracts of testicles, awakened a profound interest among scientific men in the study of Organo-Therapy. (Rec., 197, 209.) Dr. Henry R. Harrower in his work entitled, "The Internal Secretions in Practical Medicine," published in 1917 (Rec., 215-223), with respect to Organo-Therapy, says:

> "Undoubtedly the most radical as well as important advance in medicine is our better knowledge of the endocrine system—that interlocking though widely separated collection of glands of internal secretion which we know is in supreme control of growth, both physical and mental; metabolism; the sympathetic nervous system, with its regulations of vascular tone and blood pressure as well as the indefinite and complex factors gathered together into the once well-known term 'Constitution.' The hormones produced by these wonderful glands are secreted into the blood and serve to correlate functions and harmonize many of the widely differing functions of the body. Their chemical messages are of such a nature that to ignore them and their subtle in-

fluence is to miss a very large and important part of the information which may be at the disposal of any observant physician. * * * By far the greatest principle is that of 'homostimulation,' which is included in what has come to be known as Hallion's Law which is as follows: 'Extracts of an organ exert on the same organ an exciting influence which lasts for a longer or shorter time. When the organ is insufficient it is conceivable that this influence augments its action and when it is injured, that it favors its restoration.' This has been demonstrated experimentally and clinically so many times, that it is almost axiomatic, though it is not infallible, and may still be criticized occasionally by some. Granting what Hallion has said, functional insufficiencies of many of these organs may be expected to be favorably influenced by giving suitable doses of the corresponding gland secured from animals. * * * Sex disabilities must needs be considered as resulting from internal secretory disorder because the sex manifestations are so absolutely under the regulation of the endocrine system. Not only do the gonads (testicles) bring about their subtle influence upon feature, form and functions; but they themselves are played upon by the other ductless glands, and I do not think that there is a single endocrine disturbance effecting any of the glands of internal secretion that does not have as its syndrome some direct or indirect effect upon the gonads and their work. * * * Quite the most important phase of Organo-Therapy in dysgenitalism is the use of extract of organs corresponding to those affected—the ovaries or testes, as the case may be. * * * If functional impotence in the male as well as in the female is considered in the light of an endocrine dyscrasias, there is more hope of a successful outcome than from all the electrical, mechanical and psycotherapeutical procedures combined. The principle of homo-stimulation oft referred to in my writings applies just as much to the gonads as to the thyroids, pituitary or any other gland of internal secretion, and the clinical results following the use of didymin, sequarine, hormotone, or the Roberts-Hawley Lymph or any other preparation calculated to stimulate the sex glands to a greater functional activity are based upon good phys-

> iology and sound reasoning, many statements to the contrary notwithstanding. * * * Let us consider for a moment the philosophy of the last of these proprietaries. Unnumbered cases of so-called incompetence have been treated with this lymph. I have personally used it in my practice and am certain that this homostimulation action is the physiological explanation of the good results that one can expect to secure following its judicial use in cases of this character. * * * The beneficial effects from this kind of treatment seem to originate from the augmented gonad activity for this alone is sufficient to increase metabolism, create force (the testicular hormone has been called 'a dynamogenic hormone') and to start up a greater degree of functional activity in the other interrelated endocrine organs."

Dr. Arnold Lorand, the eminent physician of Carlsbad, Austria, in his work entitled "Old Age Deferred," recently published, devotes a chapter "On the Influence of the Sexual Glands upon Vitality and Long Life." (Rec., 189, *et seq.*) This is an extremely interesting and learned chapter and bears out everything that is stated in the advertisements of the complainant.

Dr. Ivo Geikie Cobb in his work entitled "The Organs of Internal Secretion; Their Diseases and Therapeutic Application; A Book for General Practitioners," published in 1917 (Rec., 206 *et seq.*), also contains an interesting scientific discussion, and among other things, says:

> "Without going further into the physiology of the testicle it is sufficient to say that there can be very little doubt that these organs play a very vital part in the production of secretions, which, although we are ignorant of their full importance, are necessary for the development of the normal man; not only in so far as sexual characteristics are concerned, but even with regard to the adequate workings of his nervous system. * * * Let us commence our study by considering the help which may be given to that very widely encountered disease, neurasthenia. It has been conclusively proved that the exhibition of some preparation of the testes (such as spermin)

has the power of raising the amount of muscular work available, of increasing the strength of the individual, and of banishing ready fatigue. * * * The extent of these results is undoubtedly due to the stimulation action of the testicular hormone upon the endocrimus system as a whole, and as a means of revitalizing an individual with deficient oxidation, poor nutrition, nervous inactivity, and general weakness, the system is of undoubted value. There are few single remedies which can compare with active and properly prepared testicular extracts. * * * Extracts of the gonads, which are sometimes manufactured in combinations with extracts of the central nervous system, will be found to have a wide applicability. Thus, in neurasthenic cases, in patients who are run down, and in delayed convalescence, they are frequently of the greatest use. * * * Orchitic extract is given in doses ranging from two to four grains according to the individual preparation."

Dr. H. Batty Shaw, in his recent work entitled "Organo-Therapy" (Rec., 200, *et seq.*), also supports the statements made in the complainant's advertising matter. Dr. Shaw is an eminent English authority on the subject. With reference to the dosage of various testicular preparations, Dr. Shaw says:

"Dosage—Solutions can be obtained for hypodermic injections in quantities of 1-3 c. cm. or by eight 2.0-3.0 grammes up to 8 grammes. Orchitin may be given by the mouth in doses of 0.5, 0.8 or 3.0 grammes in twenty-four hours. Tabloids of didymin (5 grains) may be given, 1 to 4, three or four times a day; dried pulverized testicular substance, one part corresponding to six parts of the fresh organ, may be given in 1 to 2 gramme doses daily, and opoorchidinum in 5 to 8 gramme doses, three times a day."

The foregoing treatises on Organo-Therapy were offered in evidence on behalf of the complainant at the hearing before the solicitor for the Postoffice Department on the citation to show cause why a fraud should not issue and were made a part of the bill of complaint

With the hope of sustaining the government's position at the hearing before the solicitor for the Postoffice Department upon the citation to show cause why a fraud order should not be issued, the government offered the testimony of four witnesses and the deposition of Dr. Reede, the effect of which was merely that these witnesses were of the opinion that orchic substance had no therapeutic value whatever.

The first witness was Dr. L. F. Kebler, an employe of the government at Washington in the examination of drugs and foods in the drug laboratory in the Bureau of Chemistry. (Rec., 66.) Dr. Kebler admitted on his direct examination that some physicians prescribed testicular substance (Rec., 77), and expressed himself as being of the opinion that testicular remedies were of no value. It appeared, however, on cross-examination, that he had had a very limited experience as a practicing physician (Rec., 81); that he had never used testicular extracts and that there never came under his observation any patients who had been treated with testicular extracts (Rec., 85), that he had never treated a man for impotence, that he did not know what the chemical hormone secreted by the testicle was, and that that chemical hormone had not been isolated by chemists, and that not knowing its chemical composition he did not know whether or not it could be absorbed from the intestinal tract (Rec., 88); that he was ignorant of the modern bibliography on the subject of Organo-Therapy, and that he could not point out any statements contained in the advertisements of the complainant which were false. He simply relied upon his immature opinion that testicular substance was of no benefit in medicine.

The next witness was Dr. Gleason C. Lake, employed in the United States Health Service (Rec., 107), who had very little clinical experience. (Rec., 108.) He was

of the opinion that orchitic substance had no medicinal value. He testified that he had never analyzed the testicles of an animal (Rec., 119), that he did not know what the chemical hormone secreted by the testicle was, that he had never attempted any treatment based on Organo-Therapy, that the chemical hormone secreted by the testicles had not been isolated, that not knowing its chemical composition he did not know whether it could be absorbed, that he had never used testicular preparations, that he had never treated any patient for impotency, and that his conclusion was a mere matter of opinion (Rec., 143), that he had not studied the sum total of all the work that had been done in the use of orchitic substance.

The next witness was Dr. Roy Graham Hoskins, a physiologist and not a physician, employed in the office of the Surgeon General. (Rec., 148.) On his direct examination he testified that the remedy in his judgment had no value, but his explanation of his answer showed that he did not know whether or not it had any value and he admitted that

> "there is some literature indicating that testicular material in large doses is beneficial in the condition of impotency. Dr. Victor D. Lespinasse of Chicago has had experience along this line and has reported an article in the surgical clinics of North America, 1918, Vol. II, that in large doses testicular extracts have been reported by some investigators to have a beneficial effect." (Rec., 153.)

On cross-examination he testified he never practiced medicine (Rec., 156), that he had never treated any patients suffering from diseases of the endocrine glands, that he had never made any personal observations of the effect of the treatment of patients by testicular extracts (Rec., 157), that he did not know whether there is a hormone in the testicles (Rec., 159), that if there is a hormone in the testicles and an individual is suffer-

ing from a deficient testicular hormone and the hormone were introduced into his blood stream through the stomach or otherwise in an unchanged condition in sufficient amount he would supposedly be beneficially affected (Rec., 160); that he believes in the theory of Organo-Therapy in a limited way (Rec., 163); that he had never made a dissection of the testicles (Rec., 166); that he never treated anyone with orchic extract. (Rec., 167.)

The next witness was Dr. Frank Abbott, connected with the United States Public Health Service in Washington. (Rec., 174.) Dr. Abbott testified that in about 1891 or 1892 after Brown-Sequard had published the results of his experiments with testicular extract he accompanied Dr. John M. Byron, who made some experiments with testicular extract at the Home for Incurables on Blackwell's Island. He injected testicular extract in a man who had been paralyzed and with reference to this case Dr. Abbott testified:

> "He was paralyzed, but he had a peculiar form of paralysis; he was blind, and he had not eaten any solid food for some period of I think about three years. After the tenth hypodermic injection of about ten C.C. of testicular fluid prepared after Brown Sequard's method he expressed himself as one wanting to get up, and he did get up, and he got out of bed. He walked around the bed and the next day he walked around the hospital and he ate a good square meal of roast beef and salad and pie. I remember it because he died the next day." (Rec., 175.)

Testicular extract cured him of his paralysis, but salad and pie killed him. The doctor further testified that he thought testicular extract administered by the mouth would not accomplish any good results. (Rec., 176.) On cross-examination he testified that he had treated a number of cases with testicular substance for impotency but that he effected no cures, but that in some instances he

observed a psychic effect. He further testified that he knew two or three score doctors who treated impotency with testicular substance. (Rec., 180.)

Dr. Edward H. Reede's deposition had been taken by Dr. Kebler on a hearing formerly involving the Packers Product Company and not the Organo Product Co. It was offered in evidence before the Postmaster General by the government. Dr. Reede testified that favorable results had been reported during recent years by the administration of what might be called testicular extract. (Rec., 243.) He also testified that certain preparations of powdered testicles were being used by many men but only as an experimental step (Rec., 245-246), and that "at present the preparation of testicular substance in tablet form is being put on the market by Armour & Co., of Chicago, and it is being used by physicians," and that

> "those physicians of us who are working most intensively with the glands of internal secretion believe that the adult testicle possesses two distinct functions, resident in two distinct types of tissue or cells of Sertoli which are concerned in the production of the actual spermatic elements which are concerned in reproduction. This substance which would form the major part of a powdered substance of the gland sacks has no internal effect. The other type of tissue composed of the cell of Leydig are believed to have a secretion which is discharged within the body and which is very powerful in the growing child, which also continues to be potent in the adult in maintaining a certain integration among the ductless glands of the body and which we believe exerts its action through an as yet unisolated substance hyperthetically called hormone."

The foregoing testimony which was contained in one of the exhibits to the bill of complaint in no respect disproved any of the statements contained in any of the advertisements of the complainant and the most favorable interpretation which can be given to it in behalf of

the defendant is to show as his Honor Judge Baker has held that the value of orchitic substance as a remedy is a mere matter of opinion.

The errors assigned in the Circuit Court of Appeals were as follows (Rec., 284):

1. The court below erred in overruling the motion of the complainant herein for a temporary injunction as prayed for in the bill of complaint.

2. The court below erred in not entering an order herein granting to the complainant the temporary injunction as prayed for in the bill of complaint, and in the motion of complainant filed herein.

3. The court below erred in dismissing the bill of complaint in this cause for want of equity.

4. The court below erred in dismissing the bill of complaint in this cause.

The errors assigned here are:

1. The United States Circuit Court of Appeals erred in affirming the judgment of the court below.

2. The United States Circuit Court of Appeals erred in not reversing the judgment of the court below.

3. The United States Circuit Court of Appeals erred in not reversing the judgment of the court below and directing that an order for injunction issue as prayed for in the bill of complaint.

4. The United States Circuit Court of Appeals erred in not reversing the judgment of the court below and directing the entering of a decree as prayed for in the bill of complaint. (Rec., 301-302.)

BRIEF OF ARGUMENT.

The courts have jurisdiction to re-examine and review the action of the postmaster general in matters of this kind when he is acting without authority of law or in excess of the power granted to him by law, or has proceeded in violation of an act of Congress or has misconstrued the legal effect of the statute under which he is acting.

American School of Magnetic Healing v. *J. M. McAnnulty*, 187 U. S. 94.

Lewis Publishing Co. v. *Wyman*, 152 Fed. Rep. 787, 791.

People's United States Bank v. *Gilson*, 161 Fed. Rep. 286.

Upon a motion to dismiss a bill of complaint for want of equity appearing upon the face of the bill the material facts averred in the bill are to be taken as admitted.

American School of Magnetic Healing v. *J. M. McAnnulty*, 187 U. S. 94.

Where the effectiveness of a medicinal remedy is a mere matter of opinion the postmaster general has no legal right to prohibit the delivery of letters addressed to a firm dealing in such remedy merely because he may have an opinion adverse to the remedy and in conflict with the opinion of scientific men. The postmaster general exceeded his authority in this respect in this case.

American School of Magnetic Healing v. *J. M. McAnnulty*, 187 U. S. 94.

The postmaster general had no right to issue the fraud order involved in this case because there was no evidence

before him tending to support his conclusion that the complainant was engaged in a scheme to defraud, by the use of the mails, under the provisions of sections 3929 and 4041 of the revised statutes as amended.

American School of Magnetic Healing v. *J. M. McAnnulty*, 187 U. S. 94.

The foregoing principles relate and apply to all the errors assigned by the appellant and to the facts as stated in the foregoing statement, and as shown by the record.

ARGUMENT.

We feel that it would be imposing upon the intelligence of the court to attempt to amplify the application of the foregoing principals to the facts of this case. We are justified, however, in referring to the opinion of the Circuit Court of Appeals (Rec., 293 *et seq.*) for the purpose of pointing out that numerous quotations of advertising matter contained in the opinion are in some cases incorrect and in others incomplete. These quotations are arranged in such manner in some cases as to give an erroneous impression of the real substance of the representations contained in the advertising matter used by the appellant.

To illustrate: The word "*Neurasthenia*" quoted in the opinion (Rec., 297) was the first word of a sentence defining what neurasthenia is. (See page 2, Exhibit A, Rec., 12.) The words "What a wonderful sensation" are the first part of a sentence describing the sensation experienced when the blood returns to an arm which has been held in an upright position for considerable time. (See page 10, Exhibit A, Rec., 12.) The words "Sexual Power is Seldom Lost" are the heading of a paragraph which explains that such is the case "except as a natural result of old age or certain diseases." The opinion incorrectly quotes the statement that "Every year hundreds AND thousands are added to the already long list of men who suffer from lack of manly strength," by changing the words "*and*" to "*of*" (Exhibit A, page 16, Rec., 12), thereby changing the meaning. Also sentences are picked out from different parts of the pamphlet and rearranged in the opinion so as to give a different significance.

A careful examination of the advertising matter shown by the record discloses the fact that every statement therein contained is reasonably supported by the bibliography of organo-therapy and are such that a truthful man who believes in the treatment of nervous and sexual disorders by the application of organo-therapeutic remedies would naturally make. The appellant was not only sustained in his belief by sound scientific principles but was confirmed in it by the reports he had received of the success of the articles sold by him in effecting cures. Fraud is not to be presumed, but must be proven. The fact that appellant believed that organo tablets would have the effect which scientific men claimed for them and the fact that the representations made by him were supported by scientific authority and the fact that the parties who purchased them reported successful treatments with them is no proof of fraud even if the postmaster general did not entertain the same confidence. That the appellant had no fraudulent intent is evidenced by the fact that his advertising booklet (Exhibit A; Rec., 12), was prepared after conference with the postmaster general's office subsequent to Judge Baker's decision in the Packers' Product Company case (Rec., 22, 23), and was submitted to counsel to avoid any possibility of misrepresentation. (Rec., 26.)

It is respectfully submitted that the judgment of the court below should be reversed and that the District Court should be directed to enter a decree for an injunction as prayed for in the bill of complaint.

Lloyd Mathews

P. V. Sullivan

Solicitors for Appellant.

In the Supreme Court of the United States.

OCTOBER TERM, 1921.

FRED LEACH, APPELLANT,
v.
WILLIAM B. CARLISLE, POSTMASTER. } No. 105.

APPEAL FROM THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

BRIEF FOR THE RESPONDENT.

STATEMENT.

To the end that this court may thoroughly grasp the case here before it on appeal, we proceed, prior to a discussion of the points involved, to review the early history of the case. The business career of appellant is thus summed up by the solicitor of the Post Office Department in his findings in an earlier case against Leach (R. p. 60):

> Fred A. Leach, the promoter of this scheme, has been in the mail-order business for from 15 to 20 years. The evidence shows that he was manager of the Distributors Guarantee Association, against which a fraud order was issued May 8, 1908; that he sold vacuum

developers for the enlargement of the male organ under the name of the Vacuum System and David Kuno, Chicago, Illinois; that he also operated under the name of the Austin System and E. D. Austin, Chicago, handling vacuum developers, and that in 1912 and 1913 he sold vacuum developers under the name of Martin W. Wade and Wade Manufacturing Company, Chicago, Illinois.

In 1917 and 1918 appellant operated under the name of Packers Product Company, selling to the public the same remedy involved in the case at bar. He was cited to show cause why a fraud order should not be issued against him. A full hearing was had, and as a result thereof the Postmaster General issued his order on April 4, 1918, instructing the postmaster at Chicago, Illinois, in substance, to refrain from delivering mail and paying postal money orders to Leach's company. (R. p. 61.) Appellant thereupon sought an injunction to restrain the said postmaster from carrying out the Postmaster General's order. A motion to dismiss the bill of complaint was granted by United States Circuit Judge Baker, who wrote a memorandum opinion upholding the Postmaster General's finding of fraud. (R. p. 22 and 25.) Appellant acquiesced in the judgment, and changed the name of his company from the Packers Product Company to Organo Products Company, but continued to transact the same line of business. He also claims to have revised his literature so as to eliminate the objectionable portions thereof. The merits of such claim will

be dealt with hereafter. Subsequently it came to the attention of the Postmaster General that appellant was continuing to operate a scheme to defraud, and after further citation to show cause, and an extended hearing, the Postmaster General on August 15, 1919, issued a further order to the postmaster at Chicago forbidding him to deliver letters or to pay postal money orders to the Organo Products Company, the name under which appellant was then doing business. (R. p. 7.) Appellant again applied for an injunction, but it was denied and his bill of complaint dismissed. (R. p. 282.) He thereupon perfected an appeal to the Circuit Court of Appeals, which court, in a carefully reasoned opinion, affirmed the judgment of the trial court. (R. p. 293 et seq.) The present appeal has been taken for the purpose of securing a further review by this court.

His contention before this court asserts that the "effectiveness" of the remedy, Organo Tablets, which he was selling to the public through the mails, was "a mere matter of opinion" and therefore could not form the basis of a charge of fraud, thus seeking to bring his case within the ruling of this court in *American School of Magnetic Healing* v. *McAnnulty* (187 U. S. 94). That the two cases may be distinguished can be readily demonstrated.

ARGUMENT.

I.

Appellant Claims for His Preparation Curative Properties Not Justified by Medical Opinion.

A careful examination of the booklet appearing at page 12 of the record, which appellant distributed to the public, presumably through the mails, leads inevitably to the conclusion that it was knowingly designed and intended to create in the minds of those who should read the booklet (1) that they were physically defective in some regard, (2) that appellant's remedy, viz, Organo Tablets, would cure them, and (3) that such remedy could not be elsewhere purchased.

On the front outside cover of the booklet, in letters so large that "he who runs may read" them, are the words, "Are you 100 % efficient? The present time requires energy and endurance." This is followed by statements in the next few pages calculated to impress the reader that if he is not "100% efficient" the real cause of his physical deficiency is sexual weakness, and Organo Tablets are what he needs. Then follow statements which are thoroughly calculated and intended to lead the reader to believe that these Organo Tablets are a certain cure. The following statements are typical:

> DO NOT LET FALSE PRIDE STOP YOU FROM BEING CURED.
>
> From this it will be seen that no man should hesitate to take the proper treatment for nerv-

ous weakness, sexual decline and its accompanying ailments for by so doing he is by no means admitting that he has anything to be ashamed of. If in a weakened condition, it is due to himself, whether married or single, that he put himself in good physical condition and we say, don't delay. Don't let false pride keep you from seeking a cure. Attend to it before it is too late.

ORGANO TABLETS SUPPLY MISSING ELEMENTS.

The timely use of Organo Tablets for a reasonable length of time seldom fails in invigorating the functions of the body, bringing about tissue repair, so that those parts that are weak are strengthened and restored to their normal condition.

What can be a more sensible form of health insurance, what a greater preventive of weakness, sickness, and disease, what a more rational remedy in the case of weaknesses peculiar to men, than the use of Organo Tablets.

ORGANO TABLETS A LOGICAL REMEDY.

Weakness and ill health may be due to many causes. A man may be reasonably certain that it is this or that function that is at fault. But never can we be absolutely certain, beyond all question of mistake, for no one is endowed with X-ray sight. We can not look into our bodies and see the organs work, therefore at times it is even difficult to apply the correct treatment, unless it be a logical remedy, such as Organo Tablets.

> Testicular Extract from which Organo Tablets are principally compounded is being recommended and prescribed by leading physicians throughout the civilized world for Nervous Weakness, General Debility, Sexual Decline or Weakened Manhood, Urinary Disorders, Lame Back, Lack of Ambition, Energy and Nerve Force, Sleeplessness, and Rundown System. We believe it is the greatest remedy and that it has no equal. It has proven itself safe, prompt, and satisfactory in hundreds of cases.
>
> If you are failing in any of the essentials of manhood, we can not urge you too strongly to give your case timely and immediate attention. Think of the comfort and happiness of coming years that result only from health and strength, and make up your mind to try with confidence Organo Tablets.
>
> Organo Tablets are a valuable treatment for restoring lost vitality, renewing cell life, and imparting vigor to the organs of man.
>
> In calling your attention to Organo Tablets we honestly believe we are offering you the very best method and remedy for regaining lost sexual power. (Circular, R. p. 13.)

That the booklet intended the reader should understand that Organo Tablets were made especially for appellant's company and could only be purchased from it is demonstrated by the following excerpts from the booklet:

> Organo Tablets are prepared, in accordance with our orders, in one of the largest and best laboratories in the country, which is in itself a

> guarantee of the preservation of this cell vitality.
>
> Organo Tablets are useful to replace these losses. Extracts from the Orchitic or testicular Glands, although not regularly on the market, have been used by physicians since 1896, and are a valuable and scientific treatment for nervous debility and kindred ailments of men.

The points above mentioned other than those relating to the curative properties of Organo Tablets, and the necessity of purchasing them from appellant's company, speak for themselves, and require no further discussion here.

1. The tablets are not a cure as claimed. To establish this fact the testimony of medical men competent to testify was secured by the Postmaster General. Out of their experience and investigation they united in the view that Organo Tablets, particularly when taken by the mouth, could not produce the results appellant claimed for them. Their testimony in full may be found at pages 66–183 and 263–271 of the record. There was also before the Postmaster General the following letter from Armour & Company, which is self-explanatory. It reads as follows (R. p. 280):

> Referring to the Packers Product Co., I can not find upon investigation that we have ever sold these people any goods. If they are handling anything manufactured by Armour & Company they are evidently buying from jobbers.

So far as the Orchic substance is concerned: This is a product that we manufacture for the medical profession and the drug trade. We do not advertise it, as careful search by medical men has failed to reveal any therapeutic value in the glandular substance.

It is barely possible that the Packers Product Co. is buying Orchic substance from some wholesale drug house. That doesn't give the concern any reason for making preposterous claims about the medicinal value of Orchis Aries Extract, nor does it give the concern the right to bamboozle the ignorant and credulous by the use of Armour & Company's name.

If this Packers Product Co. is controlled by the same man that has operated under other names, he finds that Armour & Company's name is worth more as an advertisement than anything else in his circulars, etc.

I think this Packers Product Co. is controlled by a man named Huebner, who has operated under the names of Smith & Parker and Green & Thomas, etc.

Not only so, but there was likewise before him a letter containing the following views of the American Medical Association Council on Pharmacy and Chemistry (R. p. 279):

In reply to your letter of June 2d I wish to inform you that it was the opinion of the Council that, although the testicle is an internal secretion of great importance, there is practically no evidence that the administration of any testicle preparation (Orchic Substance) has any beneficial effects in any condition.

> While at one time the Council described testicle (Orchic Substance) in New and Nonofficial Remedies on the basis that these preparations were in the experimental stage and that for this reason definite, reliable preparations should be made available to the medical profession, the Council decided in 1911 to omit testicle preparations from New and Nonofficial Remedies altogether. It is certainly entirely without warrant on the basis of available evidence to claim that any preparation of testicle (Orchic Substance) is a rejuvenator and restorer of lost manhood.

The above views are also confirmed by the medical evidence appearing at pages 274 et seq.

The contra medical evidence offered by appellant not only fails to justify his broad positive claims, but actually demonstrates that the use of orchic substance, an ingredient of appellant's tablets, is not only wholly experimental, but that its administration is controlled by the condition of the individual patient to be determined by a careful and competent physician. Stated differently, such evidence is opposed to a stock formula which could be safely taken by a layman upon his own diagnosis of his physical condition.

Nor are the numerous testimonial letters of users of appellant's remedy of any real value in establishing his good faith. Such letters are of the type usually employed to exploit various questionable remedies. These letters not only fail to show any actual cure, but most of them leave the reader in ignorance as

to the complaint for which the remedy was taken. Certainly they do not tend to establish the truth of the extravagant claims contained in appellant's booklet.

Thus with the weight of medical testimony against the curative properties of orchic substance, the chief ingredient of appellant's tablets, how could he, a layman, form a good faith belief to the extent set forth in his booklet through which he urged the public to purchase and use his remedy as a cure. In other words, the medical views are such that he could not honestly make the statements the public was asked to accept as truths.

The following excerpt from *Samuels* v. *United States* (232 Fed. 536, 544) is apposite:

> One of the important questions in issue was what the defendant knew to be the true facts, and not what others believed. If he knew that the medicine was not a cure for the many ailments claimed for it, and in fact for none, the fact that many of those who used it believed that it had cured them would be no defense, no more than the defendant could have been found guilty because some of those who had used his medicine did not obtain the relief expected from it if, as a reasonable man, he honestly believed or had reasonable cause to believe that it possessed the curative properties he claimed for it.

Moreover, appellant's tablets were purchased by him from Parke, Davis & Company, and were of the same formula of a preparation which the firm

itself sold to the trade. (R. p. 150, 187.) The firm, in its advertisement, has merely this to say of its preparation (R. p. 185):

> Indications: Neurasthenia, diabetes, hypertrophic prostatitis, impotence, hysteria, hystero-epilepsy, and as an aphrodisiac. Beneficial effects have been observed in eczema, psoriasis, and obesity.

There is plainly no claim of a cure here. That being so, how could appellant in the absence of well determined medical opinion in the use of these very tablets add so extensively, as he has done, to the claims of the manufacturer? Certainly he could not, in good faith, base such claims upon sporadic results obtained from the use of orchic substances in other forms, different dosages, and manner of administration.

2. The evidence likewise plainly discloses that appellant's preparation is not one of their own peculiar compounding and obtainable only from them, as their booklet leads its readers to believe. According to admissions of record, the same preparation may be obtained from Parke, Davis & Company and other drug manufacturers. (R. pp. 184, 185.)

3. Fraud in this case may therefore be said to rest upon (1) the positive claims regarding the curative properties of Organo Tablets, and (2) the plain attempt to foist off onto the public as their own peculiarly compounded preparation a substance which could be purchased elsewhere.

The attempt of appellant to press the alleged analogy between his case and that of *American School of Magnetic Healing* v. *McAnnulty* (187 U. S. 94) to the point of making the ruling in that case determinative of his must fail. A careful examination of the *McAnnulty case, supra*, discloses that it was determined on demurrer, and further, that the Government's admission of the truthfulness of the facts properly pleaded (see p. 103 of opinion) could result in only one view, viz, that the Postmaster General by his decision had merely set up his opinion against that of the appellant. Obviously, the mere opposing view of the Postmaster General did not establish fraud.

The case at bar is more thoroughly analogous to that of *Missouri Drug Company* v. *Wyman* (129 Fed. 623, 628), the following excerpt from which appears to have been approved by this court in *Seven Cases* v. *United States* (239 U. S. 510, 518):

> It must also be borne in mind that it is not always true that a misrepresentation, to amount to a fraud, must be a misrepresentation as respects some matter of fact, although such is the general rule. There are well-established exceptions to this rule. An opinion may sometimes be expressed under such circumstances as will render a person guilty of a fraud; as, where one who is an expert, or who possesses peculiar knowledge of the value or the quality of an article expresses to another, who lacks such special knowledge, and who relies upon the superior information

> of the person with whom he is dealing, an opinion as to the value or quality of the article which he does not honestly entertain, doing so for the purpose of deceiving him. Cooley on Torts (2d Ed.) p. 567, and cases there cited; Eaton on Equity, p. 291, and cases there cited. In view of this exception to the general rule, some of the statements which the complainant appears to have been in the habit of making with respect to the merits of its "Vitality Pills," treating them as expressions of opinion, might well be found to be false and fraudulent if they were not entertained by the complainant, but were made solely with a view of inducing the unwary to purchase its "Vitality Pills."

We contend that the above quotation peculiarly applies to the case at bar. Not only so, but the facts in that case concerned a remedy and method of advertising strikingly similar to those involved here.

II.

A Divided Medical Opinion Would Not Justify Appellant's Claims.

Assuming arguendo that medical opinion was fairly divided on the question of the curative value of the remedy marketed by appellant, we still insist his course is one of fraud. In such a case can a man ignorant of science and medicine, make a choice between such divided medical opinion by the flip of a coin or the throw of a dice and induce the public to purchase his preparation as a demonstrated cure? Yet that appears to be appellant's position. In that

situation whether the preparation be a cure or not, is decidedly problematical. How can a layman form an honest view upon the subject? If he presses the curative view upon the public for the purpose of inducing them to make purchases from him, and suppresses the opposing medical view which is peculiarly within his own knowledge and of which the public could not ordinarily be aware, does he not thereby invade the public's right to fair dealing and thus defraud it? *Wilson* v. *United States* (190 Fed. 427, 434). The utterance of half truths when the relations of the parties, or the subject matter demand a fuller disclosure, has a well-defined place in the domain of fraud. (12 R. C. L. par. 71, 310; *Tyler* v. *Savage*, 143 U. S. 79, 98.) As said by this court in *Seven Cases* v. *United States* (239 U. S. 510, 518), "persons who make or deal in substances, or compositions, alleged to be curative are in a position to have superior knowledge and may be held to good faith in their statements."

Nothing less than the weight of medical opinion favorable to a drug as a definite cure would authorize a person like appellant to so represent it to the public. That is certainly the basis upon which the public purchases, and where the division of medical opinion is different from that just stated, the public is entitled to have that fact revealed when it is asked to purchase the article as a definite cure. If this be not the true test, then a layman may commercialize an article as a cure if he can find one medical man who entertains such view of the article,

although the profession generally rejects such curative view, and further, notwithstanding the fact he is not in position to form any independent view upon the subject. Stated differently, he must believe that it is a cure, and to arrive at such belief he must have adequate medical support. With a fairly divided medical opinion it would be impossible for a layman to entertain such belief. His opinion, if honestly expressed, would necessarily be one of doubt. To no other conclusion can one come after carefully reading the record in the case at bar. Had appellant in his literature revealed the true situation with respect to medical opinion upon his alleged cure, is it conceivable that his sales would have been as numerous as under the literature which he actually used? Obviously not. Does not this fairly demonstrate the real fraud and deception which he practiced? As so well said in *Edwards* v. *United States* (249 Fed. 686, 689):

> * * * but we think there was no purpose to hold that there must necessarily be an intent to get another's money without giving value for it; an intent to get it by misleading the owner in any particular that affects his completely intelligent consent may be sufficient. See Bettman *v.* U. S. (C. C. A. 6), 224 Fed. 819, 140 C. C. A. 265.

May it not also be properly urged that whether the public would be willing to pay the price charged would depend essentially upon whether the curative claims were based upon a well-defined weight of medical opinion or merely upon a division of such

opinion. In parting with its money the public is certainly entitled to know the true basis upon which it is acting. *Menefee* v. *United States* (236 Fed. 826, 831).

III.

In Case at Bar Appellant Assumes Burden of Establishing that the Decision of the Postmaster General Here Drawn in Issue is "Palpably Wrong."

It seems proper at this point to consider briefly the burden resting upon appellant not merely to establish doubt as to the correctness of the decision of the Postmaster General but to demonstrate that his decision is "palpably wrong."

In *Public Clearing House* v. *Coyne* (194 U. S. 497), in which this court reviewed the decision of the Postmaster General under the same statute he acted in the case at bar, the rule was laid down that the courts might act if he "exceeded his authority or his action is palpably wrong."

And in *Smith* v. *Hitchcock* (226 U. S. 53, 58) this court said:

> * * * we should not interfere with the decision of the Postmaster General unless clearly of opinion that it was wrong.

We believe a careful review of the record will lead this court to say, as it did in the Smith case, just cited, "We have no such clear opinion."

IV.

CONCLUSION.

Briefly stated the picture presented by the record is as follows, viz, appellant's sale of the remedy

here involved under the name of the Packers Product Company was found to be fraudulent, which view was upheld by the United States Court to which he applied for relief, and its opinion in that case aptly fits the case at bar. (R. p. 22.) The same business conducted by appellant under the name of the Organo Products Company and promoted by a booklet (R. p. 12), which makes substantially the same curative claims as those contained in the previous booklet (R. p. 250), was also found to be fraudulent by the Postmaster General and his views upheld by the United States District Court and the Circuit Court of Appeals. Thus we have the Postmaster General on two different occasions, two separate trial courts, and one appellate court uniting in the finding of fraud. In addition to that the record discloses appellant's previous course of fraud in the promotion of devices intended to appeal to the sexual, which record must necessarily have an enlightening bearing upon his intent in the case at bar. Confronted by this weight of testimony can it be confidently urged that appellant has demonstrated that the finding of the Postmaster General was "palpably wrong"? We think not, and therefore respectfully urge that the judgment below be affirmed.

JAMES M. BECK,
Solicitor General.
JOHN W. H. CRIM,
Assistant Attorney General.
HARRY S. RIDGELY,
Attorney.

DECEMBER, 1921.

○

LEACH, DOING BUSINESS AS ORGANO PRODUCT COMPANY, *v.* CARLILE, POSTMASTER.

APPEAL FROM THE CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 105. Submitted January 18, 1922.—Decided February 27, 1922.

Whether the advertising of a medicinal preparation, through the mails, so grossly overstates its true virtue as to work a fraud upon the public, is a question of fact committed to the decision of the Postmaster General, and his conclusion will not be reviewed by the courts when fairly arrived at and supported by substantial evidence. P. 139.

267 Fed. 61, affirmed.

APPEAL from a decree of the Circuit Court of Appeals which affirmed a decision of the District Court dismissing the bill in appellant's suit to enjoin enforcement of a postal fraud order.

Mr. Lee D. Mathias for appellant. *Mr. P. W. Sullivan* was also on the brief.

Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim and *Mr. H. S. Ridgely* for appellee.

MR. JUSTICE CLARKE delivered the opinion of the court.

The appellant, doing business in the name of "Organo Product Company," in his bill prayed for an injunction restraining the Postmaster at Chicago from giving effect to a "fraud order" against him, issued by the Postmaster General on August 15, 1919, pursuant to authority of Rev. Stats., § 3929 and § 4041. The order was in the usual form, prohibiting the delivery of mail or payment of money orders to appellant, and directing the disposition of mail which should be addressed to him. The District Court, refusing the injunction, dismissed the bill, and the Circuit Court of Appeals affirmed its decree. *Leach* v. *Carlisle,* 267 Fed. 61.

The appellant was engaged in selling what he called "Organo Tablets," which he advertised extensively through the mails as "Recommended and prescribed by leading physicians throughout the civilized world for nervous weakness, general debility, sexual decline or weakened manhood and urinary disorders . . . sleeplessness and run-down system," and various other ailments.

Appellant is an old offender, a prior fraud order having been issued against him, under another name, in April, 1918, as a result of which he changed his trade name and modified in a measure his advertising matter.

The order complained of was entered after an elaborate hearing, of which the appellant had due notice and at which he was represented by counsel, and introduced much evidence.

The only error assigned in this court is the affirming by the Circuit Court of Appeals of the decree of the District Court, refusing the injunction and dismissing the bill. In argument it is contended that the question decided by the Postmaster General was that the substance which the appellant was selling did not produce the results claimed for it, that this, on the record, was a matter of opinion as to which there was conflict of evidence, and that therefore the case is within the scope of *American School of Magnetic Healing v. McAnnulty*, 187 U. S. 94. Without considering whether such a state of facts would bring the case within the decision cited, it is sufficient to say that the question really decided by the lower courts was, not that the substance which appellant was selling was entirely worthless as a medicine, as to which there was some conflict in the evidence, but that it was so far from being the panacea which he was advertising it through the mails to be, that by so advertising it he was perpetrating a fraud upon the public. This was a question of fact which the statutes cited committed to the decision of the Postmaster General, and the applicable, settled rule of law is that the

conclusion of a head of an executive department on such a question, when committed to him by law, will not be reviewed by the courts where it is fairly arrived at and has substantial evidence to support it, so that it cannot justly be said to be palpably wrong and therefore arbitrary. *Bates & Guild Co.* v. *Payne*, 194 U. S. 106, 108, 109; *Smith* v. *Hitchcock*, 226 U. S. 53, 58; *Houston* v. *St. Louis Independent Packing Co.*, 249 U. S. 479, 484; *Milwaukee Social Democratic Publishing Co.* v. *Burleson*, 255 U. S. 407, 413, and cases cited.

An examination of the record fully justifies the conclusion of the Circuit Court of Appeals that it not only fails to show that the Postmaster General had no warrant of law for his order but that, on the contrary, it shows there was abundant ground for it. The decree of the Circuit Court of Appeals must be

Affirmed.

MR. JUSTICE HOLMES, with whom concurred Mr. Justice Brandeis, dissenting.

The statute under which fraud orders are issued by the Postmaster General has been decided or said to be valid so many times that it may be too late to expect a contrary decision. But there are considerations against it that seem to me never to have been fully weighed and that I think it my duty to state.

The transmission of letters by any general means other than the postoffice is forbidden by the Criminal Code, §§ 183–185. Therefore, if these prohibitions are valid, this form of communication with people at a distance is through the postoffice alone; and notwithstanding all modern inventions letters still are the principal means of speech with those who are not before our face. I do not suppose that anyone would say that the freedom of written speech is less protected by the First Amendment than the freedom of spoken words. Therefore I cannot

understand by what authority Congress undertakes to authorize anyone to determine in advance, on the grounds before us, that certain words shall not be uttered. Even those who interpret the Amendment most strictly agree that it was intended to prevent previous restraints. We have not before us any question as to how far Congress may go for the safety of the Nation. The question is only whether it may make possible irreparable wrongs and the ruin of a business in the hope of preventing some cases of a private wrong that generally is accomplished without the aid of the mail. Usually private swindling does not depend upon the postoffice. If the execution of this law does not abridge freedom of speech I do not quite see what could be said to do so.

Even if it should be held that the prohibition of other modes of carrying letters was unconstitutional, as suggested in a qualified way in *Ex parte Jackson*, 96 U. S. 727, it would not get rid of the difficulty to my mind, because the practical dependence of the public upon the postoffice would remain. But the decision in that case admits that possibly at least the prohibition as to letters would be valid. That case was not dealing with sealed letters. The decisions thus far have gone largely if not wholly on the ground that if the Government chose to offer a means of transportation which it was not bound to offer it could choose what it would transport; which is well enough when neither law nor the habit that the Government's action has generated has made that means the only one. But when habit and law combine to exclude every other it seems to me that the First Amendment in terms forbids such control of the post as was exercised here. I think it abridged freedom of speech on the part of the sender of the letters and that the appellant had such an interest in the exercise of the right that he could avail himself of it in this case. *Buchanan* v. *Warley*, 245 U. S. 60.